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THE

LAWS and ACTS

Made in the FIFTH SESSION of the FIRST

PARLIAMENT

Of Our Moſt High and Dread SOVERAIGN

WILLIAM,

By the Grace of GOD, *KING of* SCOTLAND, ENGLAND, FRANCE *and* IRELAND, *Defender of the Faith.*

Holden and Begun at *EDINBURGH, May* 9. 1695.
By JOHN Marqueſs of *Tweeddale*, Earl of *Gifford*, Viſcount of *Walden*, Lord *Hay* of *Yeſter*, and Lord High Chancellor of this Kingdom,

His *Majeſties* High Commiſſioner for Holding the ſame,
By Vertue of a COMMISSION under His *Majeſties* Great Seal of this Kingdom.

With the ſpecial Advice and Conſent of the Eſtates of Parliament.

Collected and Extracted from the Regiſters and Records of Parliament, *by* GEORGE *Viſcount of* Tarbat, *Lord* McLeod, *and* Caſtlehaven, *&c. Clerk to His* Majeſties *Councils, Exchequer, Regiſters and Rolls*, &c.

EDINBURGH,
Printed by the Heirs and Succeſſors of *Andrew Anderſon*, Printer to His moſt Excellent *Majeſty*, Anno DOMINI 1695.

CUM PRIVILEGIO.

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WILLIAM,

By the Grace of GOD, *KING of* SCOTLAND, ENGLAND, FRANCE, *and* IRELAND, *Defender of the Faith.*

Holden at *EDINBURGH* the 9 Day of *May*, 1695.

I.

ACT For a Solemn Faſt.

May 16. 1695.

THE ESTATES OF PARLIAMENT, taking to their Conſideration, the great Important War, wherein His MAJESTY continueth to be neceſſarly Engaged, for Defence of the True Reformed Religion, the Safety of this, and His other Kingdoms, and the Recovery and Eſtabliſhment of the Rights, Liberties and Peace of the reſt of *Chriſtendom*, ſo much at this time Invaded and Diſturbed, with the continual Hazards, to which His Majeſties Sacred Perſon is thereby expoſed;

As likewiſe the Dangers which do thence threaten this Kingdom, and all that can be dear to his Majeſties good Subjects therein, either as Chriſtians, or Men, both by Invaſion from abroad, and the froward Diſaffection, and reſtleſs Machinations of evil and unnatural Countrey-men at home; And how much it is the Duty and Intereſt of all good Men, for theſe Cauſes, and on this Occaſion, to implore the Mercy, Favour and Bleſſing of Almighty GOD, for Preſervation of His Majeſties Royal Perſon, and Directing, Aſſiſting and Proſpering Him in all His Counſels and Undertakings: And more eſpecially, that GOD would countenance and aſſiſt Him in the preſent War, give Him Succeſs to His Arms by Sea and Land, and defeat all the Deſigns, Counſels and Practices of His ſecret and open Enemies, both at home and abroad, for the Preſervation of the True Proteſtant Religion, ſecuring the Safety of theſe Kingdoms, and the happy reſtoring the Peace of *Europe*. And the Synod of *Lothian* and *Tweeddale*, now met at *Edinburgh*, having made Application to my Lord Commiſſioner for this end: Therefore His Majeſty, with Advice and Conſent of the ſaid Eſtates of Parliament, doth hereby Command and Appoint, that the ſecond *Thurſday* of *June* next, being the thirteenth day of the ſaid Moneth, be ſet apart as a day of Solemn Faſting and Humiliation, for making Prayers and Supplications to GOD, for the Ends abovementioned, and that the ſaid day be Religiouſly and Strictly Obſerved by all Perſons within this Kingdom: And Ordains all Miniſters to read theſe preſents publickly in their Congregations a *Sunday* at leaſt before the ſaid ſecond *Thurſday* of *June* next, appointed for keeping the ſaid Faſt; Certifying ſuch of the Leidges who ſhal not give due Obedience, or ſhal Contemn or Neglect the Keeping and Obſerving the ſaid Day and Duties, that they ſhal be proceeded againſt by Fyning, not exceeding One hundred Pounds *Scots* Money; And Warrands and Commands the Sheriffs, Stewarts of Stewartries, Lords and Baillies of Regalities, and their Deputs, Juſtices of Peace, Magiſtrats of Burghs within their ſeveral Juriſdictions, to proceed againſt the Perſons guilty, and exact the Fines accordingly, to be applyed, the one half to the Judge, and the other half to the Poor of the Paroch; And certifying ſuch Miniſters as ſhal fail in their Duty, in not Reading this Proclamation, and obſerving the Duties therein preſcribed, they ſhal be proceſſed before the Lords of His Majeſties Privy Council. And hereby requires all Sheriffs, Stewarts, Lords and Baillies of Regalities, and their Deputs, Juſtices of Peace, Magiſtrats of Burghs, and their Clerks, to make Report to the Lords of His Majeſties Privy Council, of theſe Miniſters who ſhal fail of their Duty herein. And Ordains theſe Preſents to be Printed, and Publiſhed at the Mercat Croſs of *Edinburgh*, and hail remanent Mercat Croſſes of the Head Burghs of the ſeveral Shires, and Stewartries within this Kingdom, that none may pretend Ignorance: And that Copies be diſpatched in the uſual manner, to the Sheriffs and Stewarts, Baillies of Regalities, or their Deputs, and Magiſtrats of Burghs; as likewiſe to all Miniſters, that they may ſeriouſly exhort all Perſons to a ſincere and devout Obſervance of the Premiſſes.

I I.

II.

ACT Regulating Citations before the Parliament.

May 28, 1695.

HIS MAJESTY, with the Advice and Conſent of the Eſtates of Parliament, finding it neceſſary that the order of ſummonding privat Parties to appear before them be cleared and regulat, Do therefore STATUTE and ORDAIN, that the manner of ſummonding privat Parties, in Actions raiſed either before, or during the ſitting of the Parliament, ſhal be for hereafter, and from the Day and Date hereof in this manner, *viz.* That in proſecution of Proteſts for remeid of Law, the Party at whoſe inſtance Summonds is to be granted, may give in his Bill, containing the matter of his Cauſe or Complaint, Signed by himſelf, or an Advocat for him, which being ſubſcribed by one of the ſix Clerks of Parliament, and preſented before the ſitting of the Parliament, to any of the Officers of State, or the time of the ſitting of the Parliament, to the Lord Chancellor, or Preſident of the Parliament for the time, or any of the ſaid Officers of State, the ſame may be by them paſt in Courſe, and that as to all other Cauſes that may be brought before the Parliament, Summonds and Warrands for Citation ſhal for hereafter only be granted by deliverance either of Parliament in time of Parliament, or of the Lords of Seſſion upon a ſummar Citation, to abide neither Continuation or Roll, *in præſentia*, in the Receſſes and Intervalls of Parliament, upon a Bill containing Subſcribed and Preſented as above, and no otherwiſe: which Warrands for Citation being granted, Summonds in his Majeſties Name ſhal be thereon directed, to Macers, if the Party cited be within the Town of *Edinburgh*, for ſummonding the ſaid Party, if within the ſaid Town of *Edinburgh*, on fourty eight hours, and if elſewhere within the Kingdom, (excepting *Orkney* and *Zetland*) upon fifteen days warning, or if in *Orkney* or *Zetland*, upon fourty days perſonally, or at his dwelling Houſe; or if without the Kingdom, upon ſixty days warning, at the Mercat Croſs of *Edinburgh* and Peer and Shoar of *Leith*, to compear before His Majeſty, and the ſaid Eſtates of Parliament, where and when the Parliament ſhal be appointed to meet, or ſhal be met for the time, with continuation of days, and with certification. And alſo, for ſummonding of Witneſſes, as is uſual before the Lords of Council and Seſſion, which Summonds to be expede by deliverance, as ſaid is, ſhal paſs under the Signet of the Seſſion; and the Party at whoſe inſtance the ſame is raiſed, ſhal pay to the Clerk of Parliament or Seſſion aforeſaid, for writing and ſubſcribing of

the Bill and Letters, the Sum of twelve Pound *Scots* and no more, on any pretence whatsoever, and for affixing the Signet the Sum of three Pounds *Scots* and no more: Declaring that if any Adjournment of Parliament one or more shal happen to interveen, betwixt the giving of Citations, in manner foresaid, and the day of Compearance, the foresaid Summonds shal nevertheless still stand in force, for obliging the Parties and Witnesses summoned to compear at the day to which the Parliament shal be adjourned, and when ever the same shal first meet. And furder, it is hereby declared, that at the said day of Compearance before the Parliament, being so met, or any other lawful day thereafter, it shal be leasome to the Clerks of Parliament, at the desire of the Party pursuer, to call the foresaid Summonds, after the opening of the House, and before the sitting down of the Parliament, at the patent Gate of the Parliament-house, and if the Party summoned compear, to mark the same, that the Summonds with the Executions, and the other Peices produced by the Pursuer may be given out to see and answer, to the effect the same may be seen and returned, within six days in the Common Form, and so the Cause or Complaint may be ready prepared for the Parliament, to proceed therein, when the same shal be again called in their presence: providing always, that no Decreets be given out in absence, but upon special Application to, and Sentence pronounced by the Parliament, and no otherwise. And excepting always from this Act, all Summonds of Treason, and for other publick Crimes, and Executions, and Processes thereupon, which are to proceed as formerly. And lastly, providing that the foresaid Citations to be made by deliverance of the Lords of Session, shal found no exception of Prejudiciality against any Party, in any Action, may be raised, until the foresaid Citation be called before, and sustained by the Parliament.

III.

ACT Adjourning the Summer-Session till the first of July 1695.

May 30. 1695.

OUR SOVERAIGN LORD Considering that the sitting of the Parliament, begun the ninth of *May* instant, may continue for the Month of *June* next, whereby the Leidges cannot attend the Summer Session in its ordinar time; Do therefore; with Advice and Consent of the Estates of Parliament, Adjourn the Session, (which should be in course the first of *June* next) to the first of *July* next, continuing all Actions and Causes depending before the Lords of Session to the said first of *July*: And his Majesty dispenses in the mean time, with the sitting

ſitting of all inferior Courts, as if the Seſſion had not been adjourned, and notwithſtanding of the ſitting of the Parliament: And further Declares, that the time and ſpace to run, betwixt the ſaid firſt of *June* and the firſt of *July*, ſhall not be reckoned in any ſhort Preſcription. And Ordains theſe Preſents to be publiſhed at the Mercat-Croſs of *Edinburgh*, and to be forthwith Printed, that the Leidges may be thereby certified thereof.

IV.

ACT Anent the Juſtice Court.

June 7. 1695.

OUR SOVERAIGN LORD, for the better Regulating of the Juſtice Court, and Facilitating and more ſure Ordering of the Form and Method of Proceſs therein uſed: Do therefore, with Advice and Conſent of the Eſtates of Parliament, Statute and Ordain, that in all time coming, the Uſe and Cuſtom hitherto obſerved in that Court of Advocats or Procurators their Dictating, and the Clerks writing of the Defences, Duplies, Triplies, Quadruplies and ſo forth, for the Defender and Purſuer be diſcharged and laid aſide, and that in place thereof, His Majeſties Advocat or other Advocats or Procurators for the Purſuer, with the Advocats or Procurators for the Defender or Pannel debate the Relevancy *viva voce*, and that after the ſaid Diſpute *viva voce* is ended, then time be allowed by the Lords and Judges of the ſaid Court, to the effect after-mentioned, and that the Kings Advocat, or Advocats, or Procurators for the Purſuer, do within the ſpace of fourty eight hours, give in to the Clerk his Information in writing ſubſcribed with his hand, that the Advocats or Procurators for the Pannel may take it up, and give in their Anſwers in writing alſo under their hands, within other fourty eight hours, which Information and Anſwers, ſhall be by the Clerk recorded in the Books of Adjournal, in place of the foreſaid written Diſpute formerly in uſe, and then at the Adviſing the ſaid Information and Anſwers, ſhall be firſt read in open Court, and if any thing be found new on either ſide, and not noticed by the other Party, the Parties or Judges ſhall point the ſame to the other Party concerned, and hear both Parties thereon *viva voce*, the Clerk Minuting in preſence of, and at ſight of the ſaid Judges what is ſo further Debated, and then the ſaid Judges ſhal proceed to the Adviſing. And His Majeſty with Advice and Conſent foreſaid, Ratifies, Approves, and Confirms the whole Rights, Powers and Priviledges of the ſaid Court of Juſtice, and of the Lord Juſtice General, Lord Juſtice Clerk and other Judges, and all other Members thereof. And it is further hereby Statute and Ordained, that in all capital Crimes wherein inferior Criminal Courts were hitherto reſtricted, to try and execute within three Suns, this time ſhall be hereafter reſtricted to the Tryal and Sentence only,

but notto the time of Execution, which is hereby left to the Diſcretion of the Judge, not exceeding nine days after Sentence.

V.

ACT Anent Principals and Cautioners.

June 7. 1695.

HIS MAJESTY and the Eſtates of Parliament, Conſidering the great Hurt and Prejudice, that hath befallen many Perſons and Families, and oft times to their utter Ruine and Undoing, by mens Facility to engage as Cautioners for others, who afterwards failing, have left a growing Burden on their Cautioners without Relief: Therefore, and for Remeid thereof, His Majeſty with Advice foreſaid, Statutes and Ordains, that no man binding and engaging for hereafter, for and with another Conjunctly and Severally, in any Bond or Contracts for Sums of Money, ſhall be bound for the ſaid Sums for longer than ſeven years after the date of the Bond, but that from and after the ſaid ſeven years, the ſaid Cautioner ſhall be *eo ipſo* free of his Caution; And that whoever is bound for another, either as Expreſs Cautioner, or as Principal, or Co-principal, ſhall be underſtood to be a Cautioner, to have the benefit of this Act; Providing, that he have either Clauſe of Relief in the Bond, or a Bond of Relief apart, intimat Perſonally to the Creditor at his receiving of the Bond, without prejudice always to the true Principals, being bound in the whole Contents of the Bond or Contract; As alſo, of the ſaid Cautioners being ſtill bound, conform to the Terms of the Bond within the ſaid ſeven years, as before the making of this Act; As alſo providing, that what Legal Diligence by Inhibition, Horning, Arreſtment, Adjudication, or any other way, ſhall be done within the ſeven years by Creditors againſt their Cautioners, for what fell due in that time, ſhall ſtand good, and have its Courſe and Effect after the expyring of the ſeven years, as if this Act had not been made.

VI. *ACT*

VI.

ACT Regulating the Sale and Payment of Bankrupts Eſtates.

June 18. 1695.

HIS MAJESTY with Advice and Conſent of the Eſtates of Parliament, for the further Clearing and Explaining of former Laws, anent the Sale of Bankrupts Eſtates, Statutes, Enacts, and Declares, that it ſhall be lawful to all Purchaſers of Bankrupts Eſtates, after the ſpace of one year, counting from the Decreet of Sale, and to ſuch as have obtained Decreets of Sale, after the Term of *Whitſunday* one thouſand ſix hundred and ninety ſix years, to conſign the whole Price offered, with the Annualrent due at the time of the Conſignation, or ſo much thereof, as remains in the hands of the Purchaſer, over and above what is warrantably payed to Creditors preferred by the Lords of Seſſion, in the hands of the Magiſtrats and Town Council of *Edinburgh*, and their Theſaurer for the time, who are hereby obliged and ordained to receive the ſame, upon their Receipt in the Terms after-mentioned: And for the greater benefit of the Creditors, are further allowed to keep in their hands the conſigned Money, for the ſpace of a year from the next Term of *Candleſmaſs*, *Whitſunday*, *Lambmaſs*, or *Martinmaſs* after the Conſignation, upon payment of three *per Cent* of Annualrent, ay and while it be called for: And the ſaid Magiſtrats, Town Council, and Theſaurer of *Edinburgh* for the time, ſhall be, and are hereby obliged to make forthcoming, the conſigned Money in whole, or in part, with the Annualrent thereof, at three *per Cent* as ſaid is, according as they ſhal be ordered by the ſaids Lords of Seſſion, with Certification if they failzie, that they ſhall be charged with Horning for that effect, and ſhall be thereafter lyable, not only in the tenth part of the principal Sum, called for in name of Penalty; But alſo in the ordinary Annualrent of the ſaid principal, ay and while the compleat payment thereof. And becauſe Purchaſers of Lands affected with Liferents, have Retention of a ſhare of the Price: It is hereby Declared, that the Purchaſer ſhall be allowed to conſign what remains in his hands, after the Deceaſe of the Liferenter in manner foreſaid; he always, making due Intimation of the Conſignation to the Creditors who got the reſt of the Price. And His Majeſty with Conſent foreſaid, Statutes, Enacts, and Declares, that the Purchaſer paying the Price offered to the Creditors, according as they are or ſhall be Ranked and Preferred by the Lords of Seſſion, or conſigning the ſame in manner foreſaid, ſhall be for ever exonered, and the Security given for the Price, ſhall be delivered up to be cancelled, and the Lands and others Purchaſed and Acquired, diſburdened of all Debts or Deeds

of the Bankrupt or his Predeceſſors, from whom he had Right, and that the Bankrupt, his Heirs, or appearand Heirs, or Creditors without Exception of Minority, not compearing or conceiving themſelves to be prejudged, ſhall only have Acceſs to purſue the Receivers of the Price and their Heirs, and reſerving to the Minor Leaſed his Relief as accords: And further, His Majeſty with Advice and Conſent foreſaid, doeth hereby Authoriſe the Lords of Seſſion, to grant warrant for charging the Magiſtrats and Theſaurer of *Edinburgh* for the time, to make payment of the Sums conſigned to the ſeveral Creditors, according to their Preferences, upon the ſaids Creditors their ſeveral Applications to the Lords, and conſigning in the Clerks hands, Diſpoſitions and Conveyances in favours of the Purchaſers, in ſo far as their ſeveral Rights may affect the Purchaſe; As alſo, in caſe any Debate remain undetermined amongſt the Creditors anent their Preferences, it ſhall be lawful to the ſaids Lords, upon Application of the ſaids Creditors, to grant warrand for uplifting and employing the Sums conſigned, upon ſufficient Security bearing Annualrent.

VII.

ACT For ſix Months Supply upon the Land-Rent.

June 20. 1695.

THE Eſtates of Parliament taking into their Conſideration, the Dangers that ſtill threaten this Kingdom, by reaſon of the Continuance of the preſent War, which viſibly require the keeping up of the ſtanding Forces, and the Supplies neceſſary for their Maintainance; Do therefore humbly and cheerfully for themſelves, and in name of this Kingdom whom they repreſent, make offer to His Majeſty of a Supply of Four hundred thirty two thouſand pound, extending to ſix Months Ceſs; which new Supply, is to be raiſed and uplifted out of the Landrent of this kingdom in the ſame manner, and conform to the Proportions of the Shires and Burghs contained in the ſixth Act of the ſecond Seſſion of this Current Parliament, dated the ſeventh day of *June* 1690, providing always that the Proportions of Burghs, be rated and payed as their Tax-roll now is, or ſhal be ſettled by themſelves; and this Supply to be payed in two parts, either anſwering to three Months Ceſs, *viz.* Two hundred and ſixteen thouſand pounds as being the firſt half thereof, to be payed betwixt and the firſt day of *Auguſt*, in this preſent year One thouſand ſix hundred and ninety five: and the other two hundred and ſixteen thouſand pound, as the other half thereof, betwixt and the firſt of *February*, One thouſand ſix hundred ninety ſix years. And His Majeſty conſidering, that this Supply is granted for ſuch a neceſſary uſe, Doth with

with Advice and Conſent of the Eſtates of Parliament, Declare, that no Perſon or Perſons ſhall be Exempted from payment of their Proportions of this Supply for their Lands, upon any pretext whatſoever (excepting Mortified Lands, and the Lands of *New-milns*, belonging to the Woolen-Manufactory there, for which Mortified Lands, and Lands of *New-milns*, Deduction is to be allowed in the *Quota* of the reſpective Shires) notwithſtanding of any former Law, Priviledge, or Act of Parliament in the contrary. And His Majeſty with Advice and Conſent foreſaid, doth Nominat and Appoint the ſame Perſons, who are named in the foreſaid Act of Parliament, who are alive, and have qualified themſelves according to Law, or ſhall qualifie themſelves betwixt and the laſt *Tueſday* of *July* next to come, and ſuch others as have been ſince Nominat by the Privy Council, to be Commiſſioners for ordering and upliſting this Supply; with the ſame power to them, to Choiſe their own Clerk, and to do every thing that may concern the ſaid Supply, as is preſcribed and appointed by the ſaid Act, holding the ſame as repeated herein, and Ordains the ſame Execution to paſs for In-bringing thereof, as is provided by that Act in all points. And Ordains the firſt Meeting of the ſaid Commiſſioners for the Shires, to be at the Head-Burghs thereof upon the third *Tueſday* of *July* next, at ten of the Clock, for the Shires on this ſide of the River of *Tay*: And the laſt *Tueſday* of *July* next, for the Shires benorth *Tay*. And requires the Sheriffs and Stewarts, or their Deputs, to intimat the ſame to the Commiſſioners of the reſpective Shires and Stewartries, with power to them to appoint their ſubſequent Dyets of Meeting and their Conveener from time to time: And alſo to appoint Collectors with ſufficient Caution, as they ſhall think fit. And commits to His Majeſties Privy Council, upon the Death or not Acceptance of any of the Commiſſioners of Supply, appointed by this Act, to Nominat and Appoint others in their places. And His Majeſty with Advice and Conſent foreſaid, does Declare, that all Clauſes contained in the former Acts of Parliament, and Convention of Eſtates, in relation to the in-bringing of the Ceſs, and Quartering, and anent Ryding Mony, ſhall ſtand in full Force as to this Supply now impoſed, in the ſame manner as if they were inſert herein; except in ſo far, as theſe Acts of Parliament or Convention, are Innovat or Altered by the foreſaid ſixth Act of the ſecond Seſſion of this Current Parliament. And it is hereby Declared, that no Perſons lyable in payment of this Supply, ſhall be holden to produce their Diſcharges or Receipts of the ſame, after three years from the reſpective Terms of payment, unleſs Diligence be done by Denunciation before elapſing of the ſaid three years. And becauſe by the Supply hereby granted, the Land-rent and Burghs of this Kingdom are only burdened; and it being juſt that the Perſonal Eſtates in Money, ſhould bear ſome Proportion of the Burden: Therefore, His Majeſty with Advice and Conſent foreſaid, Statutes and Ordains, that every Debitor owing Money within the Kingdom at ſix *per Cent* of Intereſt, ſhall in the payment of his Annualrents for one year, have Retention in his own hands of one of ſix of the ſaid Annualrents, and this Retention to be for the whole year, *viz.* from *Whitſunday* One thouſand ſix hundred and ninety five, to *Whit-*

Sunday One thouſand ſix hundred and ninety ſix years. And it is hereby Declared, that it ſhall be Uſury for any Creditor, not to grant the ſaid Retention.

Follows the Quota of Supply, payable Monthly by the ſeveral Shires of the Kingdom.

THe Sheriffdom of *Edinburgh*, the ſum of three thouſand one hundred and eighty three Pounds, eight ſhillings *Scots* money Monthly.

The Sheriffdom of *Haddington*, the ſum of two thouſand ſeven hundred and eighty two Pounds, ſix ſhillings.

The Sheriffdom of *Berwick*, the ſum of two thouſand eight hundred and thirteen Pounds, one ſhilling.

The Sheriffdom of *Roxburgh*, the ſum of three thouſand ſix hundred and eighty ſix Pounds, ſeventeen ſhillings, ſix pennies.

The Sheriffdom of *Selkirk*, the ſum of nine hundred and four Pounds, nine ſhillings.

The Sheriffdom of *Peebles*, the ſum of one thouſand and fourty two Pounds, eight ſhillings.

The Sheriffdom of *Lanerk*, the ſum of three thouſand and ninety one Pounds, twelve ſhillings.

The Sheriffdom of *Dumfreis*, the ſum of two thouſand ſeven hundred and twelve Pounds, ſeventeen ſhillings.

The Sheriffdom of *Wigton*, the ſum of one thouſand and four Pounds, fifteen ſhillings.

The Stewartry of *Kirkcudbright*, the ſum of one thouſand ſix hundred and ſeventy four Pounds, eleven ſhillings.

The Sheriffdom of *Air*, the ſum of three thouſand eight hundred and ſeventy Pounds, five ſhillings.

The Sheriffdom of *Dumbarton*, the ſum of ſeven hundred and ſixty four Pounds, ten ſhillings.

The Sheriffdom of *Bute*, the ſum of three hundred and eight Pounds, eight ſhillings, and eight pennies.

The Sheriffdom of *Renfrew*, the ſum of one thouſand three hundred and fifty three Pounds, ſeven ſhillings.

The Sheriffdom of *Striviling*, the ſum of one thouſand ſeven hundred and fifty four Pounds, four ſhillings, and ſix pennies.

The Sheriffdom of *Linlithgow*, the ſum of one thouſand one hundred and ſixty nine Pounds, eighteen ſhillings.

The Sheriffdom of *Perth*, the ſum of five thouſand and thirty eight Pounds, fourteen ſhillings.

The Sheriffdom of *Kincardine*, the ſum of nine hundred and eighty four Pounds, one ſhilling.

The

The Sheriffdom of *Aberdeen*, the ſum of four thouſand and ſeventy ſeven Pounds, nineteen ſhillings.
The Sheriffdom of *Inverneſs*, the ſum of one thouſand two hundred and thirteen Pounds, one ſhilling, and ſix pennies.
The Sheriffdom of *Roſs*, the ſum of one thouſand one hundred and thirty one Pounds, ſix ſhillings,
The Sheriffdom of *Nairn*, the ſum of two hundred and ſeventy ſeven Pounds, ſixteen ſhillings.
The Sheriffdom of *Cromarty*, the ſum of two hundred and fourteen Pounds.
The Sheriffdom of *Argyle*, the ſum of one thouſand nine hundred and fourty ſeven Pounds, ten ſhillings, and nine pennies.
The Sheriffdom of *Fife* and *Kinroſs*, the ſum of five thouſand one hundred and ſeventy two Pounds.
The Sheriffdom of *Forfar*, the ſum of three thouſand two hundred and ſeventy three Pounds, fifteen ſhillings.
The Sheriffdom of *Bamff*, the ſum of one thouſand one hundred and fifty Pounds, four ſhillings.
The Sheriffdom of *Sutherland*, the ſum of three hundred and thirty ſix Pounds.
The Sheriffdom of *Caithneſs* the ſum of five hundred & ninety nine Pounds, five ſhillings.
The Sheriffdom of *Elgin*, the ſum of one thouſand and fifty nine Pounds, five ſhillings.
The Sheriffdom of *Orkney* and *Zetland*, the ſum of one thouſand and eighty eight Pounds, ten ſhillings.
And the Shiriffdom of *Clackmannan*, the ſum of three hundred and fifty two Pounds, ſeven ſhillings and three pennies *Scots* money.

Follows the Quota of Supply, payable Monthly by the ſeveral Burghs of the Kingdom.

The City of *Edinburgh*, the ſum of three thouſand eight hundred and eighty Pounds *Scots* Monthly.
The Burgh of *Perth*, the ſum of three hundred and ſixty Pounds.
The Burgh of *Dundee*, the ſum of five hundred and ſixty Pounds.
The City of *Aberdeen*, the ſum of ſeven hundred and twenty ſix Pounds.
The Burgh of *Stirling*, the ſum of one hundred and ſeventy two Pounds.
The Burgh of *Linlithgow*, the ſum of one hundred and fifty ſix Pounds.
The City of St. *Andrews*, the ſum of ſeventy two Pounds.
The City of *Glaſgow*, the ſum of one thouſand and eight hundred Pounds.
The Burgh of *Air*, the ſum of one hundred and twenty eight Pounds.
The Burgh of *Haddington*, the ſum of one hundred and ninety two Pounds.

The Burgh of *Dyſart*, the ſum of thirty Pounds.
The Burgh of *Kirkaldy*, the ſum of two hundred and eighty eight Pounds.
The Burgh of *Montroſe*, two hundred and fourty Pounds.
The Burgh of *Couper*, one hundred and eight Pounds.
The Burgh of *Anſtruther-Eaſter*, eighteen Pounds.
The Burgh of *Dumfreis*, the ſum of two hundred and thirty Pounds.
The Burgh of *Inverneſs*, the ſum of one hundred and eighty Pounds.
The Burgh of *Burnt-Iſland*, the ſum of ſeventy two Pounds.
The Burgh of *Innerkeithing*, the ſum of thirty Pounds.
The Burgh of *Kinghorn*, the ſum of fourty two Pounds.
The Burgh of *Breichin*, the ſum of fifty four Pounds.
The Burgh of *Irwine*, the ſum of ſixty Pounds.
The Burgh of *Jedburgh*, the ſum of one hundred and two Pounds.
The Burgh of *Kirkcudbright*, the ſum of thirty ſix Pounds.
The Burgh of *Wigton*, the ſum of thirty ſix Pounds.
The Burgh of *Dumfermling*, the ſum of ninety Pounds.
The Burgh of *Pittenweem*, the ſum of thirty Pounds.
The Burgh of *Selkirk*, the ſum of ſeventy two Pounds.
The Burgh of *Dumbarton*, the ſum of thirty Pounds.
The Burgh of *Renfrew*, the ſum of thirty ſix Pounds.
The Burgh of *Dumbar*, the ſum of ſixty Pounds.
The Burgh of *Lanerk*, the ſum of ſixty Pounds.
The Burgh of *Aberbrothock*, the ſum of fifty four Pounds.
The Burgh of *Elgin*, the ſum of one hundred and thirty eight Pounds.
The Burgh of *Peebles*, the ſum of ſixty ſix Pounds.
The Burgh of *Crayl*, the ſum of thirty ſix Pounds.
The Burgh of *Tain*, the ſum of thirty Pounds.
The Burgh of *Culroſs*, the ſum of twenty four Pounds.
The Burgh of *Kamff*, the ſum of fourty two Pounds.
The Burgh of *Whythorn*, the ſum of eight Pounds.
The Burgh of *Forfar*, the ſum of twenty four Pounds.
The Burgh of *Rothſay*, the ſum of thirty Pounds.
The Burgh of *Nairn*, the ſum of nine Pounds.
The Burgh of *Farres*, the ſum of twenty four Pounds.
The Burgh of *Rutherglen*, the ſum of twelve Pounds.
The Burgh of *North-Berwick*, the ſum of ſix Pounds.
The Burgh of *Anſtruther-Weſter*, the ſum of ſix Pounds.
The Burgh of *Cullen*, the ſum of eight Pounds.
The Burgh of *Lauder*, the ſum of thirty Pounds.
The Burgh of *Kintore*, the ſum of nine Pounds.
The Burgh of *Annand*, the ſum of twelve Pounds.
The Burgh of *Lochmabban*, the ſum of eighteen Pounds.
The Burgh of *Sanquhar*, the ſum of ſix Pounds.
The Burgh of *New-Galloway*, the ſum of ſix Pounds.
The Burgh of *Kilrenny*, the ſum of eight Pounds.
The Burgh of *Fortroſe*, the ſum of eighteen Pounds.
The Burgh of *Dingwal*, the ſum of eight Pounds.
The Burgh of *Dornoch*, the ſum of eighteen Pounds.

The

The Burgh of *Queens-ferry*, the ſum of fifty four pounds.
The Burgh of *Inveraray*, the ſum of twenty four Pounds.
The Burgh of *Inverury*, the ſum of twelve Pounds.
The Burgh of *Week*, the ſum of twenty pounds.
The Burgh of *Kirkwal*, the ſum of ſeventy two Pounds.
The Burgh of *Inverbervy*, the ſum of ſix Pounds.
The Burgh of *Stranraer*, the ſum of twelve Pounds.

Mr. John Buchan *Agent for the* Burrows *to make up the Quota for the Burrows One thouſand two hundred Pounds* Scots.

Follows the Commiſſioners of Supply, Ordered by the Parliament to be given in by the Noblemen and Commiſſioners from the ſeveral Shires; in place of thoſe dead, or not Qualified, ſince the Year 1690.

For the Shire of Edinburgh.

THE Lord Roſs, Sir John Gibſon, Dalmenie, Sir Robert Dickſon *of* Sornebeg, Sir George Hamilton *of* Barnton, Carlops, Rickarton-Craig, James Murray *of* Poltoun, Mr. James Dalrymple *of* Killoch, Baillie Alexander Calderwood *in* Dalkeith, Sir James Stewart His Majeſties Advocat, Sir William Baird *of* Newbyth, Baillie John Nairn *in* Dalkeith.

For the Shire of Haddingtoun.

The Earl of Roxburgh, Lord Alexander Hay, Mr. Alexander Hume *of* Crichnes, William Purvis younger *of* Ewſoord, James Moor *of* Bourhouſes, John Hay *of* Athirſtoun, John Hay *of* Eaſt-hope, James Rew *of* Cheſters, Mr. Hugh Dalrymple *of* North-Berwick, Sir John Clerk *of* Pennycook, James Hume *of* Gamilſhiels, David Maitland *of* Soutrae, William Skirvine *of* Plewlandhill, Thomas Hamilton *of* Olive-ſtob, Hoptouns Chamberlain, Patrick Cockburn *of* Clerkingtoun younger, Wauchope *of* Stotincleugh, James M^c^morlan *of* the Earl *of* Haddingtouns Chamberlain.

For the Shire of Roxburgh.

The Earl *of* Roxburgh, the Laird *of* Riddel younger, the Laird *of* Mangertoun, the Laird *of* Boon-jedburgh, the Laird *of* Timpenden, John Scot *of* Weems, William Turnbull *of* Langraw, Walter Cairncroſs *of* Hilſlop, James Lithgow *of* Drygrains younger, Robert Davidſon *of* Hownam, Andrew Young *of* Oxnam-ſide, Robert Davidſon *of* Marchcleugh, Mr. Archibald Douglas brother to Cavers, Gideon Eliot *of* North-ſymptoun, William Scot *of* Burnhead.

For the ſhire of Selkirk.

The Earl *of* Roxburgh, Francis Scot *of* Balzielie, William Eliot *of* Borthwick-brae, George Curror *of* Hartwood-burn, William Ogilvy *of* Hartwood-myres, the Laird of Gala younger, the Eldeſt Baillie of Selkirk for the time, Mr. John Murray Sheriff-Deput of Selkirk.

For the ſhire of Peebles.

Adam Murray *of* Cardon, Alexander Monteith *of* Chappel-hill, Alexander Veitch younger *of* Glen, William Burnet *of* Barns, John Law *of* Nętherurd.

For the ſhire of Lanerk.

The Earl *of* Wigtoun, the Earl *of* Selkirk, James Maſter *of* Carmichael the Laird *of* Lee, Sir William Hamilton *of* Whitelaw, one of the Senators of the Colledge of Juſtice, Sir William Stewart *of* Caſtle-milk, John Baillie *of* Welſtoun, John Somervel *of* Gladſtones, Allan Lockart younger *of* Cleghorn, Gawin Hamilton *of* Raploch, the Laird *of* Blackwood younger, the Laird *of* Ferm younger, the Laird *of* Shiel-hill, William Somervel *of* Corehouſe, Mr. Archibald Hamilton *of* Dalſerff, the Laird *of* Munkland, the Laird *of* Boigs, John Hamilton *of* Udſtoun, James Anderſon *of* Stobcorſs, the Laird of Cultneſs younger, John Wardrop *of* Drummarnock, the Laird of Mauldſly, the Laird of Braidiſholm.

For the Shire of Wigtoun.

James Earl *of* Galloway, William Stewart younger *of* Caſtle-Stewart, Patrick Mcdowal *of* Culgrot, John Dalrymple Son to the Maſter *of* Stairs.

For the Shire of Air.

The Earl *of* Lowdoun, the Lord Kennedy, the Lord Bargeny, Mr. William Cochran *of* Kilmaronock, the Laird of Langſhaw younger, the Laird of Dunlap, the Laird of Ralſtoun, Sir Archibald Muir *of* Thorntown, James Crawfurd *of* Newark, Thomas Boyd *of* Pitcoun, the Laird of Crawfurdland younger, Mr. Alexander Crawfurd *of* Ferguſhil, John Crawfurd younger thereof, James Cochran *of* Mayns-hill, Neivin *of* Munkriding, William Cunninghame *of* Aſhinyards, John Dalrymple Son to the Maſter of Stairs, Sir John Cochran *of* Ochiltrie, John Cochran *of* Waterſide, Faucher *of* Gilmils-croft, William Baillie *of* Munktoun, James Campbel *of* Jurebank, the Lairds of Logan elder and younger, Hugh Crawfurd *of* Drumdow, Hugh Dowglaſs *of* Garallan, Adam Aird *of* Catharin, James M^c^Adam *of* Waterhead, the Laird *of* Dunduff, Kennedy younger *of* Drumellan, James Riddoch *of* Midtown Baillie of Cumnock, Mr. William Crawfurd *of* Dalragills, David Boſwal *of* Brae-head, David Kennedy *of* Kirkmichael, Mr. John Schaw *of* Drumgrains, Hugh Kennedy *of* Bennan.

For

For the Shire of Rentrew.

Porterfield *of* Duchil, James Hamilton *of* Aikenhead, Gawin Ralſtoun of that Ilk, Ludovick Houſtoun *of* Johnſtoun younger, Hall *of* Fulbarr Maxwells *of* Southbarr elder and younger.

For the Shire of Stirling.

The Lord Forreſter, the Lord Cardroſs, the Laird of Bedlormie, John Roſs *of* Nuick, Archibald *Buntin of Balglaſs*, George *Buchannan of Ballachrum*, Thomas *Buchannan of* Roquhan, John *Buchannan of* Craigyvairn, Walter *Buchannan of Balfunning*, John M'Lauchlan *of* Auchintroig, Duncan *Buchannan of* Harperſtoun, John Forreſt *of* Pardivan, David Forreſter *of* Denovane, John Cuthil *of* Stonniewood, James Rankin *of Balhumilzear*, Thomas Crawfurd *of* Manuel-miln, John Campbel younger *of* Douan, Robert Forreſt *of Bankhead*, Mr. John Areskin preſent Governour of the Caſtle of Stirling, Robert Hay *of* Candy, Archbald Naper *of Bankell*.

For the Shire of Linlithgow.

The Earl *of* Annandale, the Lord Cardroſs, Lord John Hamilton, Lieutenant Collonel John Areskin, John Dalrymple Son to the Maſter of Stairs, James Dowglaſs *of* Pompherſtoun, David *Dundaſs of* Philipſtoun, Patrick Dickſon *of* Weſtbinnie, James Hamilton *of Badderſton*, James Carmichael *of* Pottieſhaw, the Laird of Duntarvie, the Laird of *Barbachlay*, the Laird of Wrae, the Laird of Duddingſtoun younger, Patrick Dundaſs *of Breaſtmiln*.

For the Shire of Kincardine.

John Arbuthnet *of* Fordown, George Allardice *of* that Ilk, Mr. James Keith *of* Auchorsk Sheriff-depute *of* Kincardine, William Forbes younger *of* Moniemusk, Alexander Roſs *of* Tulliſnaucht, David Melvil *of* Pitgarvie, William Strauchan *of* Strath.

For the Shire of Aberdeen.

Mr. Patrick Ogilvie *of* Cairnbulg, William Frazer *of* Broadland, the Laird *of* Innercald, Mr. James Scougal, Mr. Robert Forbes *of* Birsmore, the eldeſt Baillie *of* Frazersburgh for the time being, the Laird *of* Mouny, John Forbes *of* Tulliegrig, Alexander Leſlie *of* Little-Wartle, Mr. Alexander Frazer *of* Powis, John Forbes *of* Innerdraen, Alexander Keith *of* Kidſhill, William Hay *of* Earnhill.

For the Shire of Inverneſs.

James Grant *of* Gallowie, Patrick Grant *of* Rothiemurchus, Robert Grant *of* Garthinmore, Patrick Grant *of* Raick, James Grant *of* Tulloch, William Grant *of* Dalliechappel.

For the Shire of Cromartie.

Hugh Roſe *of* Kilravock, John Urquhart *of* Craighouſe, Alexander Mackenzie *of* Bellon, Æneas Mackleod *of* Catboll, Mr. Roderick Mackenzie in Tarrel, Kenneth Mackenzie *of* Culbo, Adam Gordon *of* Dalfollie, Roderick Mackenzie *of* Navitie.

For the Shire of Argile.

James Campbel younger *of* Ardkinglaſs, Patrick Campbel *of* Duntroon, Colin Campbel Chamberlain to the Earl *of* Argile, Dougal Campbel younger *of* Kilberrick, Neil Macneil Fiar *of* Teyniſh, Robert Campbel Fiar *of* Carrick, Archibald Campbel *of* Clunes Baillie of Yla, Ronald Campbel *of* Laggan-Lochan, George Campbel *of* Dall, Archibald Campbel *of* Shindarlin, Donald Campbel *of* Glencaradel, John Campbel Baillie of Jura, Archibald Campbel *of* Craigage, Angus Campbel younger *of* Skipnedge.

For the Shire of Fife.

The Lord Yeſter, the Maſter *of* Yeſter, the Laird *of* Lundie, Sir Alexander Bruce *of* Broomhall, Mr. Alexander Anſtruther *of* Newark, the Laird *of* Durie, Mr. John Preſtoun *of* Drumraw, Thomas Beaton *of* Tarvit, the Laird *of* Murdocairnie, Macgill younger *of* Rankeillor, the Laird *of* Kirkneſs, the Laird *of* Dowhill, Mr. Robert Beaton *of* Craigſoodie younger, the Laird *of* Bannochy younger, the Laird *of* Dinboig, Mr. David Scrimzeour *of* Kirkmore, John Dempſter younger *of* Pitliver, Weems *of* Bogie younger, the Laird *of* Bandone, John Melvil *of* Carskirdo, the Laird *of* Balcanquel younger, Mr. John Mitchel *of* Balbairdie, Lundie *of* Baldaſtard, George Moncreiff *of* Sauchope, John Hay *of* Naughtoun younger, Walter Boſwell *of* Balbertoun, Alexander Swinton *of* Strathore, James Maxwel *of* Achibank, James Clelland *of* Piddennis.

For the Shire of Forfar.

The Laird *of* Loggie younger, the Laird *of* Strickathro, the Laird *of* Smiddiehill younger, the Laird *of* Roſſie younger, Mr. James Lyel *of* Balhall.

For the Stewartry of Kirkcudbright.

James Earl *of* Galloway, Lord Bazile Hamilton, Patrick Horron *of* Kirrachtrie, John Mackie *of* Palgown, Alexander Mackie younger *of* Palgown, Mackulloch *of* Bareholm, William Muir Tutor *of* Caſſiincarrie, William Gordon *of* Schirmoirs, Robert Gordon *of* Garerie, James Gordon *of* Largmoir, Robert Gordon *of* Airds, William Maxwel younger *of* Newlands, Robert Macklellan *of* Barmagaleim, Charles Macklellan *of* Collin, Andrew Corſan *of* Balmagan, Grier *of* Dalſcerth.

For the Shire of Sutherland.

George Monro *of* Culrain, Æneas Mackleod *of* Catboll, David Roß *of* Innerchaſly, and David Sutherland younger *of* Kinnald.

For

For the Shire of Caithneſs.

Alexander Sinclair *of* Braibſter, Mr. John Campbel Commiſſar *of* Caithneſs, James Murray *of* Clairdon, Mr. William Caldell *of* Galſhfield, Daniel Budge *of* Toftingall, William Sutherland *of* Geeſe, John Sinclair *of* Forſs, Donald Williamſon *of* Banaskirk, Patrick Murray *of* Pennyland, George Sinclair *of* Barroch, David Sinclair *of* Freſwick.

For the Shire of Elgin.

Ludovick Dumbar *of* Grainge, Joſeph Brody *of* Milntown, the Laird *of* Innes younger, Alexander Brody *of* Duncairn, Robert Gumming *of* Relugus.

For the Shire of Roſs.

The Laird *of* Gairloch, John Mackenzie *of* Cowle younger, Colin Mackenzie Uncle to the Laird *of* Gairloch, Mr. Simon Mackenzie *of* Allans, George Monro *of* Lamelair younger, Colin Robertſon *of* Kindeis, Lauchlan Mackenzie *of* Aſſin younger, David Monro Tutor *of* Fyreſs, Robert Monro *of* Auchnagart, Hector Monro *of* Daan younger, Æneas Macleod *of* Catboll, William Roſs *of* Eaſterfearn, Mr Charles Mackenzie *of* Loggy, Mr. Alexander Mackenzie *of* Dachmaluick younger, Mr. Alexander Roſs *of* Pitkearie, Abraham Leſly *of* Findroſſie, Mr. George Mackenzie *of* Bellamuckie, Roderick Macleod *of* Cambuscurrie, Ronnald Bayn *of* Knockbayn, John Bayn younger *of* Tulloch, Mr. Colin Mackenzie *of* Muir, Alexander Forreſter *of* Cullinald younger.

VIII.

ACT For a Company Tradeing to Affrica *and the* Indies.

June 26. 1695.

OUR SOVERAIGN LORD Taking into His Conſideration, That by an Act paſt in this preſent Parliament, Intituled Act for encouraging of Forraign Trade; His Majeſty for the Improvement thereof, Did with Advice and Conſent of the Eſtates of Parliament, Statute and Declare, That Merchants more or fewer may Contract and enter into ſuch Societies and Companies, for carrying on of Trade, as to any ſubject of Goods or Merchandiſe to whatſomever Kingdoms, Countries, or parts of the World, not being in War with His Majeſty, where Trade is in uſe to be, or may be followed, and particularly, beſide the Kingdoms and Countreys of *Europe*, to the Eaſt and Weſt-*Indies*, the *Streights*, and

to Trade in the *Mediterranian*, or upon the Coaſt of *Affrica*, or in the *Northern* parts, or elſewhere as above: Which Societies and Companies being Contracted and entered into, upon the terms and in the uſual manner, as ſuch Companies are Set up, and in uſe in other parts conſiſtant always with the Laws of this Kingdom: His Majeſty with Conſent foreſaid, did Allow and Approve, giving and granting to them and each of them all Powers, Rights and Priviledges, as to their perſons; Rules and Orders, That by the Laws are given to Companies allowed to be Erected for Manufactories; And His Majeſty for their greater encouragement, did promiſe to give to theſe Companies, and each of them his Letters patent under the great Seal, Confirming to them the whole foreſaid Powers and Priviledges, with what other encouragement His Majeſty ſhould judge needful, as the foreſaid Act of Parliament at more length bears. And His Majeſty underſtanding that ſeveral perſons as well Forraigners as Natives of this Kingdom, are willing to Engage themſelves with great Sums of Money in an *American*, *African*, and *Indian* Trade to be exerciſed in and from this Kingdom; if inabled and incouraged thereunto by the Conceſſions, powers and priviledges needful and uſual in ſuch Caſes. Therefore, and in purſuance of the foreſaid Act of Parliament, His Majeſty with Advice and Conſent of the ſaids Eſtates of Parliament, Doth hereby make and conſtitute *John* Lord *Belhaven*, *Adam Cockburn* of *Ormiſtoun*, Lord Juſtice Clerk, *Mr. Francis Montgomery* of *Giffen*, Sir *John Maxwell* of *Pollock*, Sir *Robert Chieſly* preſent Proveſt of *Edinburgh*, *John Swintoun* of that Ilk, *George Clark* late Baillie of *Edinburgh*, Mr. *Robert Blakewood*, and *James Balfour* Merchants in *Edinburgh*, and *John Corſs* Merchant in *Glaſgow*, *William Paterſon* Eſquire, *James Fowlis*, *David Nairn* Eſquires, *Thomas Deans* Eſquire, *James Cheiſly*, *John Smith*, *Thomas Coutes*, *Hugh Frazer*, *Joſeph Cohaine*, *Daves Ovedo*, and *Walter Stuart* Merchants in *London*, with ſuch others as ſhal joyn with them within the ſpace of twelve Moneths after the firſt day of *Auguſt* next, and all others, whom the foreſaid Perſons and theſe joyned with them, or major part of them being aſſembled, ſhal admit and joyn into their Joint-Stock and Trade, who ſhal all be Reputed as if herein originally inſert to be one Body Incorporate, and a free Incorporation, with perpetual Succeſſion, by the Name of *The Company of* Scotland *Trading to* Affrica, *and the* Indies: *Providing always*, *Likeas*, it is hereby in the firſt place provided, that of the Fond or Capital Stock that ſhall be agreed to, be Advanced and Imployed by the foreſaid Undertakers, and their Co-partners; the half at leaſt ſhal be appointed and allotted for *Scottiſh* men within this Kingdom, who ſhal enter and ſubſcribe to the ſaid Company, before the firſt day of *Auguſt*, one Thouſand Six Hundred and Ninety Six Years: And if it ſhall happen, that *Scots* Men living within this Kingdom, ſhal not betwixt and the foreſaid Term, ſubſcribe for, and make up the equal half of the ſaid Fond or Capital Stock, Then and in that caſe allannerly, It ſhall be, and is hereby allowed to *Scots Men* reſiding Abroad, or to Forraigners, to come in, Subſcribe, and be aſſumed for the Superplus of the ſaid half, and no otherwiſe: *Likeas*, the *Quota* of every mans part of the ſaid Stock whereupon he ſhal be capable to enter into the ſaid Company, whether he be Native or Forraigner, ſhall be for the

the least one Hundred *lib. Sterl.* And for the highest, or greatest three Thousand *lib. Sterl.* and no more directly nor indirectly in any sort: with power to the said Company to have a common Seal, and to alter and renew the same at their pleasure, with advice always of the Lyon King at Arms; as also to Plead and Sue, and be Sued; and to Purchase, Acquire, Possess, and enjoy Lordships, Lands, Tenements, or other Estate real or personal of whatsoever nature or quality, and to dispose upon and alienate the same, or any part thereof at their pleasure, and that by Transferrs and Assignment, made and entered in their Books and Records without any other formality of Law, *Providing always*, that such Shares as are first Subscribed for, by *Scots* Men within this Kingdom shal not be alienable to any other than *Scots* Men living within this Kingdom; That the foresaid Transfers and Convoyancies as to Lands and other real Estate (when made of these only and a part) be perfected according to the Laws of this Kingdom anent the convoyance of Lands and real Rights, with power likewayes to the foresaid company, by Subscriptions or otherways, as they shall think fit to raise a joint Stock or capital Fond of such a sum or sums of Money, and under and subject unto such Rules, Conditions and Qualifications, as by the foresaid Company, or major part of them when assembled shal be limited and appointed to begin, carry on and support their intended Trade of Navigation, and whatever may contribute to the advancement thereof. *And it is hereby declared*, that the said joint Stock or capital Fond, or any part thereof, or any estate, real or personal, Ships, Goods, or other Effects of and belonging to the said Company, shal not be lyable unto any manner of confiscation, Seisure, Forfaulture, Attachment, Arrest or Restraint, for and by reason of any Embargo, breach of Peace, Letters of mark or repriſal, Declaration of War with any forraign Prince, Potentate, or State, or upon any other account or pretence whatsomever; but shal only be transferable, assignable, or alienable in such way and manner and in such parts and Portions, and under such restriction, rules and conditions, as the said Company shal by writing in and upon their Books, Records and Registers direct and appoint, and these Transfers and Assignments only, and no other shal convoy the right and Property, in and to the said joint Stock, and capital Fond and effects thereof abovementioned, or any part of the samen, Excepting always as is above-excepted, and that the Creditors of any particular Member of the Company may by their real Diligence affect the share of the profit falling, and pertaining to the Debitor, without having any further Right or Power of the Debitors part and Interest in the Stock or capital Fond, otherwise than is above-appointed, and with this expres provision, that whatever charges the Company may be put to, by the contending of any of their Members Deceased, or of their Assigney, Creditors or any other persons in their Rights: The Company shal have retention of their Charges and Expenses in the first place, and the Books, Records, and Registers of the said Company or authentick Abstracts, or Extracts ourof the same are hereby Declared to be good and sufficient for evidents in all Courts of Judicator, and else where. And His Majesty with Advice foresaid, farder Statutes and Declares, that the said *John* Lord *Belhaven*, *Adam Cockburn* of *Ormistonn*, Lord Ju-

ſtice Clerk, *Mr. Francis Montgomery* of *Giffen*, Sir *John Maxwel* of *Pollock*, Sir *Robert Chieſly* preſent Provoſt of *Edinburgh*, *John Swintoun* of that Ilk, *George Clark* late Baillie of *Edinburgh*, *Mr. Robert Blakewood*, and *James Balfour* Merchants in *Edinburgh*, and *John Corſi* Merchant in *Glaſgow*, *William Paterſon* Eſquire, *James Fowlis*, *David Nairn* Eſquires, *Thomas Deans* Eſquire, *James Chieſly*, *John Smith*, *Thomas Coutes*, *Hugh Frazer*, *Joſeph Cohaine*, *Daves Ovedo*, and *Walter Stuart* Merchants in *London*, and others to be joyned with, or aſſumed by them in manner above-mentioned, and their Succeſſors, or major part of them aſſembled in the ſaid Company, ſhall and may in all time coming by the plurality of Votes agree, make, conſtitute, and ordain all ſuch other Rules, Ordinances and Conſtitutions as may be needful for the better Government and Improvement of their joynt Stock, or capital Fond in all matters and things relateing thereunto: To which Rules, Ordinances, and Conſtitutions, all perſons belonging to the ſaid Company, as well Directors as Members thereof, Governours, or other Officers, Civil or Militaty, or others whatſoever ſhall be ſubject, and hereby concluded; As alſo to adminiſtrat and take Oaths *de fideli*, and others requiſit to the management of the foreſaid Stock and Company. And the ſaid Company is hereby impowered to Equipp, Fit, Set out, Fraught, and Navigat their own, or hired Ships, in ſuch manner as they ſhall think fit, and that for the ſpace of ten years from the date hereof, notwithſtanding of the Act of Parliament one thouſand ſix hundred and ſixty one Years, Intituled Act for encouraging of Shipping and Navigation, wherewith His Majeſty with Conſent foreſaid diſpenſes for the ſaid time allanerly, in favours of the ſaid Company, and that from any of the Ports or Places of this Kingdom, or from any other parts or places in Amity, or not in Hoſtility with His Majeſty, in Warlike or other manner to any Lands, Iſlands, Countreys, or Places in *Aſia*, *Affrica*, or *America*, and there to Plant Collonies, build Cities, Towns, or Forts, in or upon the places not Inhabited, or in, or upon any other place, by conſent of the Natives and Inhabitants thereof, and not poſſeſt by any European Soveraign, Potentate, Prince, or State, and to provide and furniſh the foreſaid Places, Cities, Towns, or Forts with Magazines, Ordinances, Arms, Weapons, Ammunition, and ſtores of War, and by force of Arms to defend their Trade and Navigation, Collonies, Cities, Towns, Forts, and Plantations, and other their effects whatſoever; as alſo to make Repriſals, and to ſeek and take Reparation of Damnage done by Sea, or by Land, and to make and conclude Treaties of Peace, and Commerce with the Soveraigns, Princes, Eſtates, Rulers, Governours, or Proprietors of the foreſaid Lands, Iſlands, Countreys, or Places in *Aſia*, *Affrica*, or *America*; *Providing always*, *Likeas*, It is hereby ſpecially provided, that all Ships imployed by them ſhall return to this Kingdom with their effects, under the pain of Confiſcation, Forefaulture, and Seizure of the Ship and Goods, in caſe of breaking of Bulk before their Return, excepting the caſe of Neceſſity, for preſerving the Ship, Company and Loadning allanerly. And His Majeſty with Conſent foreſaid, doth farder Statute and Ordain, that none of the Leidges of this Kingdom ſhall, or may Trade or Navigat to any Lands, Iſlands, Countreys,

or

or Places in *Asia*, or *Affrica*, in any time hereafter, or in *America*, for, and during the space of thirty one years, to be counted from the passing of this present Act, without License and Permission in writing from the said Company: Certifying all such as shall do in the contrair hereof, that they shall Forefault and Omit the third part of the Ship, or Ships, and of the Cargo, or Cargoes therein Imployed, or the Value thereof, the one half to His Majesty as Escheat, and the other half to the Use and Benefit of the said Company: For the effectual Execution whereof, it shall be lawful to the said Company, or any Imployed by them, to Seize the said Ships and Goods in any place of *Asia*, or *Affrica*, or at Sea upon the Coasts of *Asia*, or *Affrica*, upon the transgression foresaid, by force of Arms, and at their own hand, and that without the hazard of incurring any Crime, or Delinquency whatsomever on account of the said Seizure, or any thing necessarly done in Prosecution thereof, excepting always, and without prejudice to any of the Subjects of this Kingdom to Trade and Navigat, During the said space to any part of *America*, where the Collonies, Plantations, or Possessions of the said Company shall not be settled. And it is further hereby Enacted, that the said Company shal have the Free and Absolute Right and Property, onely Relieving and Holding of His Majesty, and His Successors in Soveraignity, for the onely acknowledgment of their Allegeance, and paying yearly a Hogshead of Tobacco, in name of Blench-duty, if required allanerly, in, and to all such Lands, Islands, Collonies, Cities, Towns, Forts, and Plantations, that they shall come to Establish, or Possess in manner foresaid; As also, to all manner of Treasures, Wealth, Riches, Profits, Mines, Minerals, Fishings, with the whole Product and Benefit thereof, as well under as above the Ground, and as well in Rivers and Sea, as in the Lands thereto belonging, or from, or by reason of the same in any sort, together with the Right of Government and Admirality thereof; and that the said Company may by vertue hereof grant and delegat such Rights, Properties, Powers, and Imunities and permit and allow such sort of Trade, Commerce, and Navigation into their Plantations, Collonies, Cities, Towns, or Places of their Possession, as the said Company from time to time shall judge fit and convenient; With power to them to impose and exact such Customs, and other Duties upon and from themselves, and others Treading with, and coming to the said Plantations, Cities, Towns, Places and Ports, and Harbours thereof, as the Company shal think needful for the maintainance and other publick uses of the same, *Holding* always, and to hold the whole Premisses of His Majesty, and his Successors Kings of *Scotland*, as Soveraigns thereof, and paying only for the same, their acknowledgement and allegeance, with a Hogshead of Tobacco yearly, in name of Blench Duty, if required, for all other Duty, Service, Claim or Demand whatsomever. With power and liberty to the said Company to Treat for, and to procure and purchase such Rights, Libertie, Priviledges, Exemptions and other Grants, as may be convenient for supporting, promoting, and enlarging their Trade and Navigation from any forreign Potentate or Prince whatsoever, in amity with his Majesty; for which the general Treaties of Peace and Commerce betwixt His Majesty and such Potentates, Princes,

or States ſhal ſerve for ſufficient Security, Warrand and Authority, and if contrair to the ſaids Rights, Liberties, Priviledges, Exemptions, Grants, or Agreements, any of the Ships, Goods, Merchandiſe, Perſons, or other Effects whatſoever, belonging to the ſaid Company, ſhal be ſtopt, detained, embazled, or away taken, or in any ſort prejudged or damnified; His Majeſty promiſes to interpoſe his Authority, to have reſtitution, reparation and ſatisfaction made for the Dammage done, and that upon the publick Charge, which His Majeſty ſhal cauſe depurſe, and lay out for that Effect. And farder, it is hereby Statute, that all Ships, Veſſels, Merchandiſe, Goods, and other Effects whatſoever belonging to the ſaid Company, ſhal be free of all manner of Reſtraints, or Prohibitions, and of all Cuſtoms, Taxes, Ceſſes, Supplies, or other Duties Impoſed, or to be Impoſed by Act of Parliament, or otherwiſe, for and during the ſpace of twenty one years, excepting alwiſe the whole Duties of Tobacco and Suggar, that are not of the Growth of the Plantations of the ſaid Company. And farder, it is Enacted, that the ſaid Company by Commiſſion under their common Seal, or otherwiſe as they ſhal appoint, may make and conſtitute all and every their Directors, Governours, and Commanders in Chief, and other Officers Civil or Military by Sea, or by Land; As likewiſe that the ſaid Company may Inliſt, Inroll, Agree and Retain all ſuch perſons Subjects of this Kingdom, or others whatſoever, as ſhal be willing and conſent to enter in their Service or Pay, providing always that they Upliſt or Levy none within the Kingdom to be Soldiers, without Leave or Warrand firſt obtained from His Majeſty, or the Lords of His Privy Council, over which Directors, Governours, Commanders in Chief, or other Officers Civil or Military, and others whatſoever in their Service and Pay, the Company ſhal have the Power, Command and Diſpoſition both by Sea and Land. And it is farder Statute, That no Officer Civil or Military, or other Perſon whatſoever within this Kingdom, ſhal Impreſs, Entertain, Stop or Detain any of the Members, Officers, Servants or others whatſoever, off, or belonging to the ſaid Company, And in caſe the ſaid Company, their Officers or Agents, ſhal find or underſtand any of their Members, Officers, Servants, or others aforeſaid to be Impreſſed, Stopped or Detained, they are hereby Authorized and Allowed to take hold of, and Releaſe the foreſaid Perſon Impreſſed or Stopped in any part of this Kingdom, either by Land or Water; and all Magiſtrats and others His Majeſties Officers Civil and Military, and all others are hereby required in their reſpective Stations, to be Aiding and Aſſiſting to the ſaid Company, under the Pain of being lyable to all the Loſs, Dammage, and Detriment of the ſaid Company, by reaſon of the foreſaid perſons their neglect. And farder that the ſaid Company, whole Members, Officers, Servants, or others belonging thereto, ſhal be free, both in their Perſons, Eſtates, and Goods, Imployed in the ſaid Stock and Trade, from all manner of Taxes, Ceſſes, Supplies, Exciſes, Quartering of Souldiers Tranſient or Local, or Levying of Souldiers, or other Impoſitions whatſoever, and that for and during the ſpace of twenty one years. And laſtly, all Perſons Concerned or to be Concerned in this Company, are hereby Declared to be free Denizons of this Kingdom, and that they with

with all that ſhal Settle to Inhabit, or be Born in any of the foreſaid Plantations, Collonies, Cities, Towns, Factories, and other Places that ſhal be Purchaſt and Poſſeſt by the ſaid Company, ſhal be repute as Natives of this Kingdom, and have the Priviledges thereof, And generally, without Prejudice of the Specialities foreſaid, His Majeſty with Conſent foreſaid, Gives and Grants to the ſaid Company, all Power, Rights and Priviledges, as to their Perſons, Rules, Orders, Eſtates, Goods and Effects whatſoever, that by the Laws are given to Companies allowed to be Erected for Manufactories, or that are uſually given in any other Civil Kingdom or Common-wealth, to any Company there Erected for Trade and Commerce. And for the better Eſtabliſhment and greater Solemnity of this Act and Gift, in Favours of the ſaid Company, His Majeſty doth farder Ordain Letters Patent to be expede hereupon, containing the whole Premiſſes vnder the Great Seal of this Kingdom, for doing where of *Per Saltum*: Thir Preſents ſhal be ſufficient Warrand both to the Director and Chancellor, or Keeper of the Great Seal, as uſe is in like Caſes.

I X.

ACT Adjourning the Seſſion till the Firſt Day of November 1695.

June 27. 1695.

WHereas, by a former Act in this Seſſion of Parliament, the ſitting of the Seſſion was Adjourned until the firſt day of *July* next, which time being found yet too ſhort, His Majeſty, with Advice of the Eſtates of Parliament, continues the foreſaid Adjournment until the firſt Day of *November* next to come, in the Terms, and with the Qualifications contained in the ſaid firſt Act of Adjournment of the Seſſion in all Points.

X.

ACT for Pole-Money.

June 27. 1695.

THe Eſtates of Parliament taking to their Conſideration, that in regard of the great and eminent Dangers that threaten this Kingdom from forraign Enemies, and inteſtine Diſaffection, and the Deſigns of Evil Men; and that our Coaſts are not ſufficiently Secured againſt Privateers; and that therefore it is Neceſſar, that a compleat Number of Standing Forces be maintained, and Ships of War provided for its neceſſary Defence; as alſo conſide-

ring, that beſide the Supplie upon the Land-Rent, other Fonds will be requiſit for the foreſaid End, do for one of theſe Fonds freely and chearfully offer to His Majeſty an Subſidy to be upliſted by way of Pole-money, and for making of which Offer Effectual, His Majeſty, with Advice and Conſent of the Eſtates of Parliament foreſaid, doth Statute and Ordain, That all Perſons of whatſoever Age, Sex, or Quality, ſhal be ſubject and lyable to a Pole of Six Shilling, except Poor Perſons who live upon Charity, and the Children under the Age of Sixteen years, and *in familia* of all theſe Perſons whoſe Pole doth not exceed One Pound Ten Shilling *Scots*.

That beſide the ſaid Six Shilling impoſed upon all the Perſons that are not excepted: A Cottar having a Trade ſhal pay Six Shilling more, making in the hail Twelve Shilling for every ſuch Cottar.

That for Each Servant ſhal be payed by the Maſter, for which the Maſter is impowred to retain the fourtieth Part of his yearly Fee, whereof Bountieth to be reckoned a part, (excepting Livery Cloaths) in the Number of which Servants are underſtood, all who receive Wages or Bountieth for any Work, or Imployment whatſoever, for the Term or the Year as they have, or ſhall ſerve, and in Caſe they be not Alimented in *Familia* with their Maſters, then if they be not above the Degree of a Cottar or Hynd, they are to have two third Parts of Wages and Bountieth, or if above the ſaid Degree one Third part of Wages and Bountieths, firſt deduced for their Aliment.

That all Sea-men pay Twelve Shilling *Scots* in name of Pole.

That all Tennents pay in name of Pole to the King, the hundreth part of the valued Rent, payable by them to the Maſter of the Land, and appoints the Maſter of the Ground to adjuſt the Proportions of this Pole amongſt his Tennents, according to the reſpective Duties payable by them in Money or Victual, effeiring to his valued Rent.

That all Merchants, whether Sea-men, Shop-keepers, Chapmen, Tradeſmen and others, whoſe free Stock and Means (not Including Workmens Tools, Houſhold-pleniſhing, nor Stocks of Tennents upon the Farms and Poſſeſſion) is above five hundreth Merks, and doth not extend to five thouſand Merks, ſhal be ſubject and lyable to two pound ten Shilling of Pole.

And that all theſe (not including as above) whoſe free Stock and Means is above five thouſand Merks, and does not extend to ten thouſand Merks, ſhal be ſubject to four pound of Pole.

That all Merchants, whether Sea-men, Shop-keepers, Chapmen, Tradeſmen and others (not including as above) whoſe free Eſtate and Stock extends to, or is above ten thouſand Merks in Worth and Value, ſhall be lyable to ten pound of Pole.

That all Gentlemen ſo holden and repute, and owning themſelves to be ſuch, and who will not renounce any pretence they have to be ſuch, and which Renunciations ſhal be recorded in the Herauld-Regiſter *gratis*, ſhal be ſubject and lyable to three pound of Pole-money, if they be not otherways claſſed, and upon another Conſideration be ſubject to a greater Pole.

That

That all Heretors of twenty pounds, and below fifty pounds of valued Rent, be ſubject and lyable to twenty Shilling of Pole-money.

That all Heretors of fifty pounds and below two hundred pounds of valued Rent, be ſubject and lyable to four pounds of Pole-money.

That all Heretors of two hundred pounds, and under five hundred pounds of valued Rent, be lyable to nine pounds of Pole-money.

That all Heretors of five hundred pounds or above the ſame, and under one thouſand pounds of valued Rent, be ſubject and lyable to twelve pounds of pole-money, and that they pay half a Crown for each of their Male-Children living in *familia*.

That all Heretors of one thouſand pounds of valued Rent, and above the ſame; and all Knight Baronets and Knights, be ſubject and lyable to twenty four pounds of Pole-money, and that they pay for each of their Male-Children *in familia* three pounds.

That all Lords pay fourty pounds of Pole-money.

That all Viſcounts pay fifty pounds of Pole-money.

That all Earls pay ſixty pounds of Pole-money.

That all Marqueſſes pay eighty pounds of Pole.

That all Dukes pay an hundred pounds of Pole.

That the Sons of Noblemen pay according to their Ranks, *viz.* All Dukes eldeſt Sons as Marqueſſes, and their youngeſt Sons as Earls. All Marqueſſes eldeſt Sons as Earls, and their youngeſt Sons as Viſcounts. All Earls eldeſt Sons as Viſcounts, and their younger Sons ſhal be lyable in twenty four pounds of Pole. All Viſcounts, and Lords Sons ſhal be lyable in twenty four pounds of Pole.

That all Widows whoſe Husbands would have been lyable to one pound ten ſhilling of Pole or above, are to be ſubject and lyable to a Third part of their Husbands Pole, except Heireſſes, who ſhal be ſubject to the ſame Pole their Predeceſſors would have been.

That all Nottars and Procurators before Inferior Courts, and Meſſengers at Arms, are to be ſubject and lyable to four pounds of Pole-money.

That all Writers not to the Signet, Agents and Clerks of Inferior Civil Courts, and Macers and Under-clerks of Seſſion, ſhal pay ſix pounds of Pole-money.

That all Advocats, Clerks of Soveraign Courts, Writers to the Signet, Sheriffs and their Deputs, Commiſſars and their Deputs, Doctors of Medicine, Appothecaries, Chyrurgeons, and others repute Doctors of Medicine, pay twelve pounds of Pole.

That all Commiſſionat Officers of the Army upon *Scots* pay ſhal be lyable in two days Pay for their Pole.

That all perſons who are to pay the ſaid reſpective Poles, tho they be Poled in different Capacities, are only to pay at the higheſt rate above-mentioned, and that always over and above the general Pole.

And for the better Stating, Ordering and Uplifting of the ſaid Pole, His Majeſty with Advice foreſaid, Statutes and Ordains, that the Commiſſioners of Aſſeſſment or their *Quorum*, ſhall meet and conveen at the ordinar place of their Meeting, upon the ſecond *Tueſday* of *Auguſt*, One

thouſand ſix hundred ninety five years; or ſhall appoint ſuch other Heretors as they ſhall think fit, and there ſhall divide the whole Commiſſioners, whether preſent or abſent, or ſhall appoint ſuch other Heretors as they ſhall think fit, into ſuch Diviſions as they ſhall think meet, appointing Paroches one or more for Commiſſioners one or more, as they ſhall ſee convenient, to meet the laſt *Tueſday* of the ſaid Moneth of *Auguſt*, at the reſpective places to be appointed, impowering the ſaids Commiſſioners to take up Rolls and Liſts of all the Poleable perſons within the reſpective Bounds appointed to them, containing the Names, Qualities and Degrees of the ſeveral perſons, and of the value of the Eſtates belonging to them, conform to the ſaid Act. And ordains the Magiſtrats of Burrows Royal to meet the Third *Tueſday* of the ſaid Month of *Auguſt*, and to take up Rolls and Liſts of all the Poleable perſons within the reſpective Burghs, containing their Names, Qualities and Degrees, and the value of their Eſtates; And which Commiſſioners and Magiſtrats of Burghs are to give Intimation at the Kirk-door upon a *Sunday*, upon three days warning at leaſt to the perſons to be Poled, to compear before them at the Paroch-Church, and give up their Names, Qualities, Degrees, and Values of their Eſtates, to the effect the reſpective Poles may be ſtated and ſet down by the ſaid Commiſſioner, or Commiſsioners of Aſſeſſment, or Magiſtrats of Burghs reſpective, and which Rolls the ſaids perſons are to give up, or ſend under their hand, if they can write, otherwiſe if they cannot write, their Name, Quality, Degree, and Eſtate, ſhal be marked by the Clerk, as they give it up, excepting Tennents, whoſe Names, and the Pole-money payable by them, ſhall be given and ſent by their Maſters under their Hand, with Certification, that ſuch as do not Compear, or ſend under their Hands their Names, Qualities, and value of their Eſtates, or do give up their Quality, Degree, or Value of their Eſtates, otherways than it ſhould be, they ſhall be lyable in the Quadruple of their Pole, the equal half whereof ſhall belong to the Informer, who ſhall make the ſame appear. And which Liſts and Rolls, being ſo made up within the reſpective Sub-diviſions, ſhall be Recorded and Booked in a Regiſter of the Shire, or Burgh for that purpoſe: whereof there ſhall be an Abſtract ſent to the Lords of the Theſaurie, betwixt and the firſt of *October*, one thouſand ſix hundred ninety five years, containing the number of the perſons in the ſeveral Claſſes and Ranks above ſpecified, with the Extent of their Pole.

And his Majeſty, with Advice and Conſent of the ſaids Eſtates of Parliament, Ordains the foreſaid Pole-money to be payed at the Term of *Martinmaſs*, one thouſand ſix hundred ninety five years, or within thirty days thereafter, at the reſpective Paroch kirks, where the perſons concerned dwell, for which Diſcharges are to be given to the Payers *gratis*. And requires the Comiſſioners of Aſſeſſment, and Magiſtrats of Burghs, or the Farmers, in caſe the ſame ſhall be ſet in Farm, to cauſe Intimation to be made for the payment thereof, at the Kirk-Doors of the ſeveral Paroch-Kirks upon the firſt *Sunday* of *October* one thouſand ſix hundred ninety five. Certifying ſuch as ſhall not make punctual payment at the ſaid Term of *Martinmaſs*, one thouſand ſix hundred ninety five, or within the ſaid thirty days thereafter, ſhall be lyable in the double, if paying within other thirty days thereafter, or if failzieing after both the ſaids thirty days,

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in the quadruple of their Pole: and ordains Execution to be uſed againſt them for the ſame, by Poynding of their readieſt Goods, or Impriſoning their Perſons; the foreſaid Poynding and Impriſonment alwayes proceeding upon the Sentence of one of the Commiſſioners for the Aſſeſſment, or any other inferior Judge where the perſon lives.

Likeas His Majeſty with Advice and Conſent foreſaid, hereby impowers the Lords of Privy Council, to order and appoint ſuch furder methods and courſes as they ſhall judge fit for ſtateing and inbringing of the Pole-money aforeſaid, and to allow out of the ſaid Pole-money ſuch Charges and Expenſes as ſhall be neceſſary for Execution of this Act.

And His Majeſty and Eſtates aforeſaid, do hereby ſtrictly appropriat, deſtinat, and appoint the Sums to be raiſed by this Act, for the ends and uſes above-ſpecified, conform to His Majeſties Letter, whereof Three hundred thouſand Pound to be beſtowed in the firſt place, for providing and maintaining of the Ships of War for one year, and which Money the Lords of Theſaury are hereby ordained to furniſh and anſwer to the Commiſſioners of Admirality, when called for, to the effect above-ſpecified: and alſo the Lords of Privy Council are hereby fully impowered to decide and determine all Queſtions and Difficulties hereby undetermined, that may ariſe anent the premiſſes.

And laſtly, it is hereby declared, that no perſons lyable in payment of this Pole, ſhall be holden to produce their Diſcharges, or Receipts of the ſame, after the Term of *Martinmaſs*, one thouſand ſix hundred ninety ſix years, conform to His Majeſties Letter.

XI.

ACT Againſt Blaſphemy.

June 28. 1695.

UR SOVERAIGN LORD with Advice and Conſent of the Eſtates of Parliament, does hereby Ratifie, Approve, and Confirm the *twenty firſt Act of the firſt Seſſion of the firſt Parliament of King* Charles *the ſecond*, Intituled, *Act againſt the Crime of Blaſphemy*, in the hail Heads, Clauſes, and Articles thereof, and Ordains the ſame to be put to Due and Punctual Execution: And farder, His Majeſty with Advice and Conſent foreſaid, Statutes and Ordains, that whoever hereafter, ſhall in their Writing or Diſcourſe, Deny, Impugn, or Quarrel, Argue, or Reaſon againſt the Being of God, or any of the Perſons of the Bleſſed Trinity, or the Authority of the Holy Scriptures of the Old and New Teſtaments, or the Providence of God in the Government of the World, ſhall for the firſt Fault be puniſhed with Impriſonment, ay and while they give Publick Satisfaction in Sackcloth to the Congregation, within which the Scandal was committed. And for the ſecond Fault, the Delinquent ſhall be fyned in

an Years Valued Rent of his Real Eſtate, and the twentieth part of his free Perſonal Eſtate, (the equal half of which Fines, are to be Applyed to the Uſe of the Poor of that Paroch, within which the Crime ſhal happen to be Committed, and the other half to the Party Informer,) beſides his being Impriſoned, ay and while he make again Satisfaction *ut ſupra*. And for the third Fault, he ſhall be puniſhed by Death as an obſtinat Blaſphemer: Likeas, His Majeſty with Advice and Conſent foreſaid, hereby Authorizes, and Strictly Requires, and Enjoyns all Magiſtrats, and Miniſters of the Law, and Judges within this Kingdom, to put this preſent Act in Execution as to the firſt Fault. And does hereby Impower and Require all Sheriffs, Stewarts, Baillies of Baillieries, and Regalities, and their Deputs, and Magiſtrats of Burghs, to put this preſent Act in Execution as to the ſecond Fault. And as to the third Fault, His Majeſty with Advice and Conſent foreſaid, Remits the Execution of this preſent Act to the Lords of His Majeſties Juſticiary.

XII.

ACT Againſt irregular Baptiſms and Marriages.

June 28. 1695.

OUR SOVERAIGN LORD Conſidering, that the Baptizing of Children, and Solemnizing of Marriage by the Laws and Cuſtom of this Kingdom, and by the Conſtitutions of this Church, have alwiſe been done by Miniſters of the Goſpel Authorized by Law, and the Eſtabliſhed Church of this Nation: And that notwitſtanding thereof, ſeveral Miniſters now outed of their Churches do preſume to Baptize Children, and Solemnize Marriage without Proclamation of Banns, or Conſent of Parents, and ſometimes within the forbidden Degrees: Therefore, His Majeſty with Advice and Conſent of the Eſtates of Parliament, Strictly Prohibits and Diſcharges all outed Miniſters, to Baptize any Children, or Solemnize Marriage betwixt any Parties in all time coming, under the Pain of Impriſonment, ay and while he find Caution to go out of the Kingdom, and never to return thereto, and remits the Execution of this Act to the Miniſters of the Law, who are to aſſiſt to the Execution of the twenty third Act of the fourth Seſſion of this Parliament, for Settling the Quiet and Peace of the Church: Declaring alwiſe, that this preſent Act is without prejudice to the Acts of Parliament already made againſt privat and Clandeſtine Marriages, which are hereby Declared to ſtand in full force, and that Execution may proceed on the ſaids Acts at the Inſtance of the Parties concerned, or of the Procurator-Fiſcals of the Juriſdictions, where they ſhall happen to be queſtioned.

XIII. *Act*

XIII.

ACT Againſt Prophaneneſs.

June 28. 1695.

OUR SOVERAIGN LORD, and Eſtates of Parliament, conſidering that the Twenty fifth *Act* of the Second *Seſſion* of this current Parliament, Intituled, *Act againſt Prophaneneſs*, And the Acts Generally and Particularly therein-ratified, has not taken the wiſhed Effect, through the negligence of the Magiſtrats, Officers, and others concerned to put the ſame in execution; Do hereby Authorize, and ſtrictly Require and Enjoyn all Sheriffs and their Deputs, Stewarts and their Deputs, Baillies of Bailliries and Regalities and their Deputs, Magiſtrats of Burghs-Royal and Juſtices of Peace within whoſe Bounds any of the Sins forbidden by the ſaids Laws ſhal happen to be committed, to put the ſaids Acts to exact and punctual Execution, at all times, without neceſſity of any diſpenſation; and againſt all perſons, whether Officers, Souldiers, or others without exception; with this Certification, that ſuch of the ſaids Judges as ſhal refuſe, neglect or delay to put the ſaids Laws in execution, upon application of any Miniſter, or Kirk-Seſſion, or any Perſon in their name, giving in Information, and offering ſufficient Probation againſt the Offender, that every one of the ſaids Judges ſwa refuſing, neglecting, or delaying, ſhal *toties quoties* be ſubject and lyable to a Fyne of One hundred Pounds *Scots*, to be applyed for the uſe of the poor of the Pariſh, where the Scandal complained on was committed: Declaring hereby That the Agent for the Kirk, the Miniſter of the Pariſh, or any other Perſon, having Warrand from him, or from the Kirk-Seſſion within the Pariſh whereof the Scandal complained on was committed, ſhal have good intereſt to purſue before the Lords of Seſſion, any of the foreſaid Judges, who ſhal happen to refuſe, neglect, or delay to put the ſaids Laws againſt Prophaneneſs to exact and punctual execution, who are hereby ordained to proceed ſummarly, without the order of the Roll, and that it ſhal be a ſufficient Probation of their refuſal, neglect or delay, if the Purſuer inſtruct by an Inſtrument under a Nottars hand, and Witneſſes thereto Subſcribing and Deponing thereupon, that he did inform the ſaids Judges of the ſaid Scandal, and offered a ſufficient Probation thereof, unleſs the Judge ſwa purſued condeſcend and inſtruct, that within the ſpace of ten Days after the ſaid Application, he gave order to Cite the Party Complained on, to compear before him, within the ſpace of ten Days, and that at the day of Compearance he was ready and willing to have taken Cognition and Tryal of the Scandal complained on, and Inſtruct and Condeſcend on a relevant Reaſon, why the ſaids Laws were not put in execution againſt the Perſon complained on.

XIV.

ACT For restraining the Prophanation *of the Lords Day, by keeping Weekly-Mercats on* Munday *and* Saturnday.

June 28. 1695.

OUR SOVERAIGN LORD Considering, that there is much occasion given for Profanation of the Lords-Day, by keeping of Weekly-Mercats on *Munday* and *Saturnday*, and that for preventing of this Abuse, there are several Acts of Parliament prohibiting the keeping of Weekly-Mercats the saids Days within Royal-Burghs; But the saids Acts not comprehending the Burghs of Regality and Barrony, and Weekly-Mercats in Villages and Kirk-Towns, the saids Burghs, Villages and Kirk-Towns are necessitate to keep their Weekly-Mercats on the saids Days, conform to the special Acts of Parliament made in their Favours; And yet many of the saids Burghs, Villages and others would most willingly alter and change the saids Mercat Days, if they were but impowered and authorized for that effect. Therefore, His Majesty with the Advice and Consent of the Estates of Parliament, Does not only Ratifie and Approve the saids Acts of Parliament made against the keeping of Weekly-Mercats upon *Mundays* and *Saturndays* within Royal-Burghs, But likewise does declare it leisume and lawful to all Burghs of Regality and Barrony, and Villages, and Kirk-Towns, whose Weekly-Mercats are kept the saids Days, to change and alter the same: And the saids Burghs, Villages, and others are hereby Authorized to choise and appoint any other Days of the Week they think fit for the keeping and holding of the saids Weekly-Mercats, they always making timous Intimation of the said Change to the next adjacent Burghs, and providing they pitch not upon the Mercat-Day of any Burgh-Royal next adjacent, or of an other Mercat-Town within four Miles. And that this Act be not extended against Fleshers within Royal-Burghs, who may keep Mercats of Fleshes in their respective Burghs, upon these days, this Act notwithstanding.

XV.

XV.

ACT For Encouragement of Preachers at Vacant Churches be-north Forth.

July 5. 1695.

OUR SOVERAIGN LORD Considering that there are many Churches vacant upon the North-side of the Water of *Forth*, which cannot be soon legally Planted, nor in the *interim* otherways Supplyed than by the Presbytries in whose Bounds they ly, their Imploying some Preachers who are not Setled in Churches to Preach in the saids Vacant Churches for some time, and that the Intertaining of these Preachers out of the first end of the Vacant Stipends of the Paroches to which they Preach, during their Service, is a most proper Pious Use within the Paroch: Therefore His Majesty, with Advice and Consent of the Estates of Parliament, for Encouraging of the said Preachers swa to be Imployed by the Presbytries, Doth hereby Destinat, Appoint and Allow out of the first end of the Vacant Stipends of the respective Churches, at which they shall Preach by Invitation or Appointment, of the respective Presbytries within whose Bounds the samine do ly, to every one of the said Preachers Twenty Merks *Scots*, for their Preaching each Lords Day, Forenoon and Afternoon, in the said Vacant Churches, and that whether the saids Preachers be Imployed by the Presbytry to Preach at one Church, or at several Churches by Turns within their Bounds; Declaring hereby a Testificat under the Presbytries Hands, bearing that such a person hath upon their Invitation Preached so many Lords Days at such a Church within their Bounds, or at such and such Churches within their Bounds by Turns, shall be a sufficient Probation thereof, whereupon the saids Preachers shall by vertue of this present Act, have Power and Undoubted Right to als many Twenty Merks, out of the first and readiest of the Vacant Stipends of the respective Paroch-Churches, as the said Certificats shall bear them to have Preached Lords Days thereat: And for preventing the Trouble and Expenses the said Preachers would be put to in recovering Payment of the saids Allowances hereby granted effeiring to their Services, if each of them should Pursue for their own part, out of the particular Vacant Stipends of the respective Churches at which they shall Preach. His Majesty with Advice and Consent foresaid, Doth hereby Impower the respective Presbytries within whose Bounds the respective Vacant Churches do ly, to grant Commissions to such Persons as they shall think fit for uplifting als much out of the first end of the Vacant Stipends, within their Bounds where the said Preachers shal serve at their Invitation, as will Pay and Satisfie the saids Allowances hereby granted to the persons invited by them to Preach thereat, Accompting *ut supra* for each Lords Days Service; with

Power to the ſaid *Factors*, to Uplift, and if need be, to *Purſue* for the ſame before the Judge Ordinary of the Bounds; Diſcharging all Advocations, as alſo Suſpenſions, ſave upon Conſignation, and with this Declaration, that if at the diſcuſſing of the Suſpenſion, the Letters ſhall be found orderly proceeded, the wrongous *Suſpender* ſhall be Decerned in a Fifth part more, which *Factor* ſhall be obliged to Compt to the ſaid *Preachers*, who ſhall be Imployed by the *Presbytries* for the ſaid Allowances, to be uplifted by them according to the number of Days to be contained in the Presbytries Certificat. Likeas, His Majeſty with Advice and Conſent foreſaid, for Encouragement of the ſaid *Factors*, and Defraying their Expenſes, Does hereby Allow to every one of the ſaid Factors ſo to be appointed by the ſaid *Presbytries*, as much as correſponds to a Tenth part of the ſaid Allowances, which they are to Uplift further for their own uſe, out of the firſt end of the ſaid Vacant Stipends, and with the benefit of the *Proviſions* above-mentioned.

XVI.

ACT Anent the Eaſe of Annualrents Due by Perſons Reſtored, and anent the Creditors Diligence to be Uſed againſt them.

July 5. 1695.

FORASMUCH As by the *General Act Reſciſſory of Fines and Forfaultures* in this current *Parliament*, the Conſideration of the Eaſe that was to be given to the perſons thereby Reſtored of the bygone Annualrents due by them, and if the ſame ought to be granted to their Cautioners, and what time Diligence ſhould be Superſeded againſt them, for payment of their principal Sums, and ſuch Annualrents to which they were to be lyable, was Remitted to the *Commiſſion of Fines and Forfaultures* therein-named, that they might Report their Opinion thereof to the *Parliament*, which is not yet done; and it being the Intereſt of the perſons reſtored, and their Creditors, to have the ſame now Determined: Therefore His Majeſty, with Advice and Conſent of the Eſtates of *Parliament*, Statutes and Ordains, that during the time the perſons Reſtored by this preſent *Parliament* were diſpoſſeſſed of their *Eſtates*, they and their Cautioners are to be free of the payment of Annualrents, unleſs that the Party Reſtored either hath recovered all or ſome part of his Rents, from which he was excluded by the Forfaulture; in which caſe the perſon Reſtored, and not the Cautioner, ſhall be lyable to the payment of the Annualrents during the time of his being diſ. oſſeſt, in ſwa far as he hath recovered the ſame, or otherways that the *Party* Reſtored may recover all or ſome part of the ſaid Rent

Rent due during the years that he was diſpoſſeſt, in which caſe the Party Reſtored ſhall have no eaſe of any by-gone Annualrents, but upon his Aſſigning to his Creditors, with Warrandice from his own Fact and Deed, any Action competent to him for recovering all or any part of the ſaid Rents due during the time of his being diſpoſſeſt; Declaring always, that when a Cautioner for a perſon Reſtored, did actually pay without Colluſion before the Revolution, either principal Sum or by gone Annualrents or any part thereof, or had his Lands Adjudged therefore before the ſaid Revolution, or having given a Bond, or ſuffered Decreet before the Revolution, hath made Payment, or had his Lands Adjudged ſince the Revolution, the foreſaid Eaſe and Benefit granted in favours of the perſon Reſtored, is no ways to be Obtruded againſt the Cautioner in that caſe. As alſo, It is hereby Statute and Ordained, That where perſons Reſtored have made Payment ſince the Revolution of any Annualrents, for theſe years during which they were diſpoſſeſt of their Eſtates, it ſhall be leiſume for them to retain als much in their own Hand of the principal Sums and Annualrents yet reſting, as extends to the foreſaid Annualrents ſwa payed by them, (the Annualrents unpayed being always diſcounted in the firſt place) and where the Debt is altogether payed, the Party Reſtored ſhall by vertue of this Act, have Action of Repetition againſt his Creditor, for refounding the ſaid Annualrents payed out by him for the years during which he was excluded from the Poſſeſſion of his Eſtate by the Forfaulture. Likeas, His Majeſty with Advice and Conſent foreſaid, Statutes and Ordains, That it ſhall be leiſume to the Creditors of perſons Reſtored by this Parliament, to affect the Debitors Eſtate for payment of their principal Sums and Annualrents reſting (except ſuch Annualrents whereof they are liberat by this preſent Act,) and that immediatly furth and after the Date hereof, Diſcharging hereby all perſonal Execution againſt the perſons Reſtored for payment of any principal Sums due by them before their Forfaulture, till *Whitſunday* next to come, in the Year of God One thouſand ſix hundred and fourſcore ſixteen years, after which all perſonal Diligence ſhall be competent againſt the perſons Reſtored, unleſs they diſpone and put the Creditor in Poſſeſſion of as much of their Eſtate (whereof the Creditor is to have his Election, except as to the Houſe, Park and Mains) as will ſatisfie the principal Sum and Annualrents thereof reſting, and not hereby given down at the ordinar rate of the Countrey where the Lands ly, and that free of Incumbrances, which is to be done at the ſight of the *Lords of Seſſion* in a Suſpenſion, to be raiſed by the perſons Reſtored, upon the ſaid offer redeemable, nevertheleſs within the ſpace of Five Years for payment of what is reſting of the Creditors Debt, diſcounting his Intromiſſions; And Declaring always, that how ſoon the Creditor ſhall be excluded from the poſſeſſion of the ſaids Lands ſwa to be diſponed to him by the perſon Reſtored, It ſhall be leiſume to the Creditor, immediatly thereafter, to uſe all manner of Diligence perſonal and real for recovering of his Debt for which the Lands were diſponed to him. Likeas, His Majeſty, with Advice and Conſent foreſaid, Statutes and Ordains, That where a perſon Reſtored offering to diſpone his Lands to his Creditors,

cannot purge and disburden the Lands offered of real Incumbrances, by the ſight of the Lords, and put the Creditor in the free Poſſeſſion thereof, ſwa that he will be lyable to the perſonal Diligence of his Creditors after *Whitſunday* One thouſand ſix hundred fourſcore ſixteen years, that then if he demand the benefit of a *Ceſſio bonorum*, the *Lords of the Seſſion* are hereby allowed to grant the ſame to him, upon his calling of his Creditors, and making Faith, and Diſponing in the common Form, without neceſſity of his being Impriſoned the time of raiſing or obtaining thereof, or of wearing the Habit, after obtaining of the ſame. And likeways, It is hereby Declared, that where any perſon during the ſtanding of the ſaid Forfaulture now reſcinded, did Acquire any Debts due by the perſon Reſtored, they ſhall have Action allannerly againſt the perſon Reſtored for the Sums truely payed out by them, and Annualrent thereof, and ſhal loſe all benefit of their Compoſitions & Eaſes. And His Majeſty and the Eſtates of Parliament, Do hereby remit the Caſe of the deceaſt *William Muir* of *Caldwell*, for Repetition of by-gone Rents, and all other Caſes of Forfault perſons Reſtored depending before them, to be Determined by the *Lords of Seſſion*, excepting ſuch Caſes wherein Reports have been prepared by the *Commiſſion for Fines and Forfaultures* for the Parliament, in which the Purſuer may at his Option futher Inſiſt, till the Deciſion thereof before the *Parliament* or *Lords of the Seſſion*.

XVII.

ACT anent the Mint.

July 5. 1695.

OUR SOVERAIGN LORD, conſidering that by the Act of Parliament One thouſand ſix hundred and eighty ſix Intituled, *Act anent an humble Offer to his Majeſty for an Impoſition upon certain Commodities, for defraying the Expenſe of a free Coinage, and other matters relating to the Mint*; The foreſaid Expenſe of a free Coinage, and ſeveral matters relating to the Mint were indeed ſettled, but neither ſo perfectly nor ſo fully as Experience hath ſince diſcovered, but that there is ſtill need and place for a further Regulation: Doth therefore, with Advice and Conſent of the Eſtates of Parliament, Statute and Ordain, That notwithſtanding it be recommended by the ſaid Act to the Lords of His Majeſties Privy Council, to try by ſome of their Number, every Journal of Coin by it ſelf diſtinctly, and that twice every year, *Viz.* In the Month of *July* and *December* yearly, yet ſeing the foreſaid diſtinct Tryal of every Journal hath been found both a tedious and ſuperfluous Labour, and is not practiſed any where elſe, it ſhal be leiſom for the ſaid Lords of His Majeſties Privy Council, to make the ſaid Tryal by ſuch

ſuch of their number as they ſhal think fit, not of every Journal of Coin by it ſelf diſtinctly, but by taking and making Tryal of any one or more ſingle Journals, as they ſhal think fit, and then to cauſe melt down in one Maſs or Lignat, the reſt of the Journals, to be at that time tried, and to take an Eſſay of the Maſs ſo melted down, as ſaid is, which ſhal ſtand for the whole, but prejudice always to the ſaid Lords of Council to make diſtinct Tryals of the hail foreſaid Journals, as they ſhal ſee cauſe. As alſo, ſtill recommending to them the exact Tryal of all Matters relating to the Coinage, at the foreſaid two times above-ſpecified, in manner mentioned in the ſaid Act, and that notwithſtanding of the foreſaid Act, which is innovat in ſo far as the ſame is inconſiſtent with this preſent Act.

XVIII.

ACT anent the Quorum *of the Commiſſion of Teinds.*

July 5. 1695.

OUR SOVERAIGN LORD the Kings Majeſty, conſidering that there are many Actions depending before the Lords, and others Commiſſioners, for Plantation of Kirks, and Valuation of Teinds, which cannot be decided and determined, in reſpect that the ſaids Commiſſioners have not met ſo frequently as was neceſſary, by reaſon of the difficulties of getting a *Quorum*, whereby the Leidges have been much prejudged; for Remeiding whereof, Our Soveraign Lord, with Advice and Conſent of the Eſtates of Parliament, Statutes and Ordains, That Seven Commiſſioners, whereof one of every State ſhal be an ſufficient *Quorum*, who being preſent at the down-ſitting and conſtituting of the Meeting: the withdrawing of one or more of any of the three States, after conſtituting of the Meeting, ſhal not breach the *Quorum*, ſeven of the Commiſſioners of the other State or States being ſtill preſent, without prejudice to the Officers of State to be ſtill Members of the ſaid Commiſſion, tho the preſence of one or more of them be not neceſſary to conſtitute the foreſaid *Quorum*. And His Majeſty, with conſent foreſaid, does hereby Ratify and Approve the Twenty fourth *Act* of the Fourth *Seſſion*, and Thirtieth *Act* of the Second *Seſſion* of this current Parliament, in the hail Heads, Articles, and Clauſes thereof, excepting in ſo far as the ſamen is innovat be this preſent Act; And the ſaids Commiſſioners are hereby appointed to meet every *Wedneſday* in the afternoon, during the ſitting of the Seſſion.

XIX.

ACT anent the Duty on Scots *Muſlin.*

July 5. 1695.

OUR SOVERAIGN LORD, with Advice and conſent of the Eſtates of Parliament, Statute and Ordain, That in all time coming, all Muſlin, plain or ſtript, or Camrick, and all ſorts of Linen under whatſomever Name or Deſignation, Manufactored within the Kingdom, ſhal at the exporting thereof pay Cuſtom only as *Scots* Linen, conform to the Book of Rates.

XX.

ACT Anent the Poſt-Office.

July 5. 1695.

OUR SOVERAIGN LORD conſidering, that for the Maintainance of Mutual Correſpondence, and preventing of many Inconveniences that happen by privat Poſts, ſeveral publick Poſt-Offices have been heretofore erected, for Carrying and Receiving of Letters by Poſts to and from moſt parts and places of this Kingdom, and that the well ordering thereof, is a Matter of general Concern, and of great Advantage, as well for the Conveniences of Trade and Commerce, as otherways; and to the end that ſpeedy and ſafe Diſpatches may be had, and that the beſt Means for that end, will be the Settling and Eſtabliſhing a General Poſt-Office: *Therefore*, His Majeſty with Advice and Conſent of the Eſtates of Parliament, *Statutes, Ordains, and Appoints* an General Poſt-Office to be be keeped within the City of *Edinburgh*, from whence all Letters and Pacquets whatſoever, may be with Speed and Expedition ſent into any part of the Kingdom, or any other of His Majeſties Dominions, or into any Kingdom or Countrey beyond Seas, by the Pacquet that goes Sealed for *London*, at which ſaid Office, all Returns and Anſwers may be likeways received; as alſo, that a Maſter of the ſaid General-Letter-Office ſhall be from time to time appointed by His Majeſty, His Heirs, and Succeſſors, by Letters, Patents, under the Privy Seal of this Kingdom, by the Name and Title of *His Maj*

Majesties Post-Master-General; or otherways, that the said Office may be set in Tack by the Lords of His Majesties Thesaury and Exchequer, as His Majesty and His saids Successors shall think most expedient: And that the said Master of the said Office, or Tacks-man for the time respectively, and his Deput or Deputs authorized by him for that effect, and his and their Servants, and no other person or persons whatsoever, shall from time to time have the Receiving, Taking up, or Ordering, Dispatching, Sending Posts with Speed, and Delivering of all Letters and Pacquets whatsoever, which shall from time to time be sent to and from, all and every the parts and places of this Kingdom, to and from His Majesties Dominions, or places beyond Seas, where he shall Settle, or cause to be Settled, Posts or running Messengers for that purpose: *Excepting* such Letters as are sent by any person or persons, to and from any place within this Kingdom by their own Servants, or by Express sent on purpose about their own Affairs, and Letters directed along with, and relating to Goods sent, or to be returned by common Carriers allenarly: And where Post-Offices are not erected, and Posts settled, His Majesty with Consent foresaid, allows the Custom of sending by Carriers or others as formerly, ay and while such Offices be established and no longer. And farder, His Majesty with Advice and Consent foresaid, *Statutes and Enacts*, that the said Post-Master-General, or Tacks-man and their respective Deputs and Substitutes, and no other person or persons whatsoever, shall provide and have in readiness, sufficient Horses and Furniture for ryding Post to all persons, ryding to and from all the parts and places of *Scotland*, where any Post Roads are, or shal be settled and established: But prejudice to the use of hyring of Horses, which are not to ride Post as formerly. And sicklike, His Majesty with Advice and Consent foresaid, *Statutes, Enacts, and Ordains*, that it shall be lawful for the said Post-master General, or Tacks-man and their saids Deputs, to ask, exact, and receive, for the Portage and Convoyance of all such Letters, which he or they shall so Convoy, Carry, or send Post as aforesaid, and for providing and furnishing Horses for ryding Post as aforesaid, according to the several Rates and Sums after mentioned, which they are not to exceed, *viz.* all single Letters to *Berwick*, or any part within fifty Miles of *Edinburgh* two shilling, double four shilling, and so proportionally; all single Letters to any place above fifty Miles, and not exceeding a hundred Miles, to pay three shilling, double six shilling, and so proportionally, all single Letters to any place in *Scotland* above a hundred Miles, to pay four shilling, double eight shilling, and so proportionally; Declaring nevertheless, that all single Letters with Bills of Loadning or Exchange, Envoys, or other Merchant Accompts inclosed and sent to any place within the Kingdom, shall be onely considered as single Leters; all Pacquets of Papers to pay each one as triple Letters: And it shall be lawful for the said Post-Master-General, Tacks-man, and their Deputs, to ask, exact, take, and receive from every person, to whom he or they shall furnish Horses, Furniture, and Guide for ryding Post in any of the Post Roads aforesaid, three shilling *Scots* for ilk Horse hire for Postage for every *Scots* Mile. *And in like manner*, His Majesty with Advice and

Conſent foreſaid, ſtrictly Prohibits and Diſcharges, all other perſon or perſons whatſoever, as well ſingle, as Bodies Pollitick or Incorporat, excepting the ſaid Poſt-Maſter-General, or Tacks-man, and their Deputs, and the Servants of Noblemen, Gentlemen, and others, in the Caſes particularly above-excepted allenarly, to carry, receive, or deliver any Letters for hire, or to ſet up or imploy any Foot Poſt, Horſe Poſt, or to ſettle Poſt-Maſters within their Juriſdictions, under the penalty of twenty Pounds *Scots* for every Tranſgreſſion, and an hundred Pounds *Scots* for each Moneths Continuance thereof, after Intimation beis made to them in the contrair, and the ſaids penalties to be purſued for, before any Judge competent, the one half thereof to be applyed for the uſe of the Informer, and the other half for the uſe of the ſaid Poſt-Maſter-General, or Tacks-man reſpective; and that no common Carrier preſume to carry any Letters to, or from any places within this Kingdom, where Poſt-Offices are ſettled, excepting the caſe aforeſaid: Certifying all ſuch as do in the contrary, that upon Seizure of any ſuch Carrier with the Letters about him, or being convicted thereof before any Judge competent, he ſhall be impriſoned ſix days for ilk fault, and fyned in the Sum of ſix Pounds *Scots*, *toties quoties*: And becauſe, it is not onely expedient for His Majeſties Government, but likeways for the Advancement of the Trade of this Kingdom, that a ſettled Correſpondence by Weekly Poſts, be eſtabliſhed with His Majeſties Subjects in the Kingdom of *Ireland*, and that the ſaid Kingdom of *Ireland*, will not be at the expenſe for maintaining the Pacquet Boats for paſſing to and from this Kingdom; *Therefore*, His Majeſty with Advice and Conſent foreſaid, *Ordains and Appoints* the ſaid General-Poſt-Maſter or Tacks-man, to keep and maintain Pacquet Boats to go Weekly, (Wind and Weather ſerving,) from *Port-Patrick* in this Kingdom to *Donachadee* in *Ireland*, to carry and receive all Letters to be ſent betwixt this Kingdom and the Kingdom of *Ireland*, and that the expenſe beſtowed on theſe Pacquet Boats, be allowed to the ſaid General-Poſt-Maſter or Tacks-man, in part of his Intromiſſions with the profits of the ſaid General-Letter Office, or out of the Tack Duty when the ſame is ſet in Tack or Farmed, not exceeding the ſum of ſixty Pounds *Sterling* Money Yearly. And His Majeſty with Conſent foreſaid, *Ordains and Commands* all the Sheriffs, Stewarts, Baillies of Regalities or Royalties, Magiſtrats of Royal Burghs, Juſtices of Peace, and all other Judges and Magiſtrats whatſoever, als well in Burgh as Landward, to concur with and aſſiſt the Poſt-Maſter-General, Tacks-man and their Deputs, in the Diſcharging of his Truſt, for rendring this Act effectual for the ends above-written, and putting the ſame to all due and lawful execution within their reſpective bounds. And His Majeſty with Conſent foreſaid, *Statutes and Ordains*, that no perſon or perſons of whatſoever Degree or Quality, preſume to ſtop, moleſt, hinder, or impede the ſeveral Poſts, als well Foot Poſts, as Horſe Poſts authorized by, or bearing Warrand from the ſaid Poſt-Maſter-General, Tacks-man, or their Succeſſors in Office, by night or by day, under the pain and penalty of one thouſand Pound *Scots*, attour the Reparation of the Damnages to any Party leſed thereby; far leſs to detain, rob, or take away any Pacquets, under the

the pains contained in the Acts of Parliament. And His Majeſty with Conſent foreſaid, *Ordains and Appoints* the ſaid Poſt-Maſter-General, Tacksman and his ſaid Deputs, and their Succeſſors in their ſeveral Offices, to take the Oath of Allegiance and ſubſcribe the ſame with the Aſſurance, appointed to be taken by all perſons in publick Truſt, by the third Act of the third *Seſſion* of this current Parliament. And His Majeſty with Conſent foreſaid, *Ordains* General Letters to be directed at the Inſtance of the ſaid General-Poſt-Maſter, or Tacks-man, and their Succeſſors in Office, againſt their ſeveral Deputs, for the Tack-Duties of their reſpective Offices, as is allowed for In-bringing any part of His Majeſties Revenue. *And Laſtly*, the Lords of His Majeſties Privy Council, are hereby Authorized and Impowered to take care, that particular Poſt-Offices be eſtabliſhed over all the Kingdom at places moſt convenient, and the times of parting of Poſts with Letters, and of their running, be duly ſettled and publiſhed; And generally, that this Act be punctually obſerved and execute, and do all other things to make the ſame effectual for the true end and intent thereof. And Ordains this preſent Act to be Publiſhed and Printed, that none may pretend ignorance.

XXI.

Explanatory Act anent the Exciſe of Brandy.

July 5. 1695.

FORASMUCH AS many Actions have been Commenced and Purſued before the Lords Commiſſioners of Theſaury and Exchequer, to the great Vexation and Expenſe of the Leidges, anent the Meaning of the Act of Parliament firſt of *December* 1673, Intituled, *Act concerning the Importation and Exciſe of Brandy*; by which Act ſix Shilling *Scots* are impoſed upon each Pint, to be payed by the Retailers in ſmalls; and under pretence of the word Retailers in the ſaid Act, the Sub-taxmen and Collectors have forced the Leidges to pay for the ſame two or three times, and the Merchants Importers have been likewiſe charged therefore, notwitſtanding that by the ſaid Act Retailers are onely lyable. For remeid of which, OUR SOVERAIGN LORD with Conſent of the Eſtates of Parliament, does hereby Declare, that the ſix Shilling upon the Pint of Brandy, ſhall hereafter be payable onely by Toppers and Retailers in ſmalls, who ſell Brandy by Pints, Gills, and leſſer Quantities than Pints in Taverns, Shops, Cellars, and the like, where the ſame is immediatly conſumed, and by no others, notwithſtanding of any former Practice in the contrair.

XXII.

ACT Againſt Intruding into Churches without a Legal Call and Admiſſion thereto.

July 5. 1695.

OUR SOVERAIGN LORD Conſidering, that Miniſters and Preachers, their Intruding themſelves into vacant Churches, Poſſeſſing of Manſes and Benefices, and Exercing any part of the Miniſterial Function in Paroches, without a Legal Call and Admiſſion to the ſaids Churches, is an high Contempt of the Law, and of a dangerous Conſequence tending to perpetuat Schiſm. *Therefore*, His Majeſty with Advice and Conſent of the Eſtates of Parliament, *Statutes* and *Declares*, that whoever hereafter ſhall intrude themſelves into any Church, or ſhall Poſſeſs Manſe or Benefice, or ſhall Exerciſe any part of the Miniſterial Function within any Paroch, without an orderly Call from the Heretors and Elderſhip, and Legal Admiſſion from the Presbytry within whoſe bounds it lies, ſhall be incapable of enjoying any Church, or Stipend, or Benefice within this Kingdom, for the ſpace of ſeven years after their Removeal from the Church, and quiting Poſſeſſion of the Stipend and Benefice into which they intruded: Likeas, His Majeſty with Advice and Conſent foreſaid, does hereby remit the Execution of this preſent Act to Sheriffs, Stewarts, Baillies of Bailliaries, and Regalities, and their Deputs, and to Magiſtrats of Burrows Royal, who are hereby Authorized and Required, to remove and declare incapable, *ut ſupra*, all theſe, who ſhall hereafter intrude into Churches within their reſpective Juriſdictions, upon Complaint from the Presbytry, or any perſon having Warrand from the Presbytry, within whoſe bounds the ſaids Intruſions ſhall happen to be made hereafter; and that upon Citation of ten days: Ordaining hereby Letters of Horning and Caption to be direct *in communi forma*, upon Decreets to be given by the ſaids inferior Judges, for compelling the ſaids Intruders to remove from the ſaids Churches and Manſes, and to quite Poſſeſſion of the ſaids Stipends and Benefices, and to deſiſt and ceaſe from Exercing any Miniſterial Acts within the ſaids Paroches, into which they ſhall hereafter intrude. Likeas, His Majeſty doeth hereby Recommend to the Lords of His Majeſties Privy Counſil to remove all theſe, who have already, ſince the Eſtabliſhment of this preſent Church Government, intruded into Vacant Churches, without an orderly Call from the Heretors and Elderſhip of the Paroch, and a Legal Admiſſion from the Presbytry within whoſe bounds the ſaids Churches lies: As alſo, to take ſome effectual

effectual Courſe for ſtopping and hindering theſe Miniſters, who are, or ſhall be hereafter Depoſed by the Judicatories of this preſent eſtabliſhed Church; from Preaching or Exerciſing any Act of their Miniſterial Function, which they cannot do after they are Depoſed, without a high Contempt of the Authority of the Church, and of the Laws of the Kingdom eſtabliſhing the ſame.

XXIII.

ACT Anent Lands lying Run-rig.

July 5. 1695.

UR SOVERAIGN LORD and the Eſtates of Parliament taking into their Conſideration, the great Diſadvantage, ariſing to the whole Subjects, from Lands lying run-rig, and that the ſame is highly prejudicial to the Policy and Improvement of the Nation, by Planting and Incloſing, conform to the ſeveral Laws and Acts of Parliament of before made thereanent: For remeid, His Majeſty with the Advice and Conſent of the ſaid Eſtates, Statutes and Ordains, that wherever Lands of different Heretors ly run-rig, it ſhall be Leiſum to either Party to apply to the Sheriffs, Stewarts, and Lords of Regality, or Juſtices of Peace of the ſeveral Shires where the Lands ly; to the effect, that theſe Lands may be divided according to their reſpective Intereſts, who are hereby Appointed and Authorized for that effect; and that after due and lawful Citation of all Parties concerned, at an certain day, to be prefixed by the ſaid Judge or Judges. It is always hereby Declared, that the ſaids Judges, in making the foreſaid Diviſion, ſhall be, and are hereby reſtricted, ſo as ſpecial regard may be had to the Manſion-Houſes of the reſpective Heretors, and that there may be allowed and adjudged to them the reſpective parts of the Diviſion, as ſhall be moſt commodious to their reſpective Manſion-Houſes and Policy, and which ſhall not be applicable to the other adjacent Heretors: As alſo, it is hereby Provided and Declared, that thir Preſents ſhall not be extended to the Burrow and Incorporat Acres, but that notwithſtanding hereof, the ſame ſhall remain with the Heretors to whom they do belong, as if no ſuch Act had been made.

XXIV.

ACT for Obviating the Frauds of appearand Heirs.

July 10. 1695.

OUR SOVERAIGN LORD Conſidering the frequent Frauds and Diſappointments that Creditors do ſuffer, upon the Deceaſe of their Debitors, and through the Contrivances of appearand Heirs, in their prejudice; For Remeid thereof, and alſo for facilitating the Tranſmiſſion of Heretage in Favours of both Heirs and Creditors, His Majeſty, with Advice and Conſent of the Eſtates of Parliament, *Statutes and Ordains*, That if any man ſince the firſt of *January* One thouſand ſix hundred and ſixty one, have ſerved, or ſhal hereafter ſerve himſelf Heir; or by Adjudication on his own Bond, hath ſince the time foreſaid ſucceeded, or ſhal hereafter ſucceed, not to his immediate Predeceſſor, but to one remoter, as paſſing by his Father to his Goodſire, or the like; then, and in that Caſe, he ſhal be lyable for the Debts and Deeds of the Perſon interjected, to whom he was appearand Heir, and who was in the Poſſeſſion of the Lands and Eſtate to which he is ſerved, for the ſpace of three years, and that in ſo far as may extend to the value of the ſaid Lands and Eſtate, and no further; deducing the Debts already payed: As alſo, with this order, as to the time paſt, that all the true and lawful Debts of the appearand Heir, entering as ſaid is, and already contracted, with the true and real Debts of the Predeceſſor to whom he enters, ſhal be preferred in the firſt place. As alſo, His Majeſty, with Advice and Conſent foreſaid, *Statutes and Ordains*, That if any appearand Heir for hereafter, ſhal without being lawfully ſerved or entered Heir, either enter to poſſeſs his Predeceſſors Eſtate, or any part thereof, or ſhal purchaſe, by himſelf, or any other to his Behoove, any Right hereto, or to any Legal Diligence, or other Right affecting the ſame, whether Redeemable or Irredeemable, otherwiſe than the ſaid Eſtate is expoſed to a lawful publick Roup, and as the higheſt Offerer thereat, without any Colluſion; his foreſaid Poſſeſſion or Purchaſe ſhal be repute a behaviour as Heir, and a ſufficient paſſive Title to make him repreſent his Predeceſſor univerſally, and to be lyable for all his Debts and Deeds, ſicklike as if the ſaid appearand Heir, poſſeſſing or purchaſing, as ſaid is, were lawfully ſerved and entered Heir to his ſaid Predeceſſor: *Declaring always*, Likeas, it is hereby declared, that the ſaid appearand Heir may bring the ſaid Eſtate to a Roup, whether the Eſtate be Bankrupt or not. And it is further *Statute*, that where Rights or Legal Diligences, affecting their Predeceſſors Eſtates, ſhal be found ſettled in the Perſon of any ſuch near Relation, to whom the appearand Heir

Heir to the foresaid Predecessor may also succeed as Heir, the appearand Heirs possessing by vertue of the said Rights and Diligences, except upon Lawful Purchase by publick Roup, as said is, shal not only be a passive Title, but the said Rights and Diligences in the Person of the said near Relation, shal only be sustained as valid to exclude the Predecessors Creditors, in so far as can be qualified and instructed, that these Rights and Diligences were truly and honestly purchased for payment of Sums of Money, and no further. And moreover, His Majesty, with Advice and Consent foresaid, *Statutes and Ordains*, That for hereafter any appearand Heir shal have free liberty and access to enter to his Predecessors *cum beneficio inventarii*, or upon Inventary, as use is, in Executories and Moveables, allowing still to the said appearand Heir, year and day to deliberate, in which time he may make up the foresaid Inventary, which he is to give up upon Oath, full and particular as to all Lands, Houses, Annualrents, or other Heretable Rights whatsoever, to which the said appearand Heir may, or pretends to succeed; which Inventary to be subscribed by him before Witnesses, duly insert and designed, shal be given in to the Clerk of the Sheriff Court of the Shire, where the Defunct's Lands and Heretage lye; or in case the Defunct had no Lands or Heretage requiting Seasin, to the Clerk of the Shire, where the Defunct deceased: To which Inventary, the Sheriff, or Sheriff-Depute, with the Clerk of the Court, shal also subscribe in Judgement, and record the same in their Registers, and give Extracts thereof; for all which, the upgiver of the said Inventary shal pay no more to the Court and Clerk thereof, on any account, than the ordinary price of Extracts in that Court, for an extract of the said Inventary: and this Inventary is to be given in, recorded, and extracted as said is, within the said year and day, to deliberat; and thereafter the foresaid Extract thereof, shal within fourty days after the expiration of the said year and day, be again presented and registrated in the Books of Council and Session, in a particular Register to be appointed by the Clerk Register, for that effect: And the appearand Heir entering by Inventary, in manner foresaid, is hereby declared to be only lyable to his Predecessors Debts and Deeds, *secundum vires Inventarii*, and in as far as the value of the Heritage, given up in Inventary, will extend, and no farther. Providing always, Likeas, it is hereby specially provided, that if the aforesaid appearand Heir shal have any intromission with the Defunct's Heretable Estate, or any part thereof, otherways than necessary intromission, for Custody and Preservation, before his giving in, recording and extracting of the said Inventary in manner foresaid; or if he shal fraudfully omit any thing out of the said Inventary, that is, which yet he shal be found to have intrometted with, or possessed, then, and in either of these Cases, he shal lose the benefit of the Inventary, and be universally lyable, as if entered Heir without Inventary. And farder, that if any part of the said Heretable Estate shal be without fraud ommitted to be given up by him in the foresaid Inventary, and shal not in the mean time be affected by the diligence of a lawful Creditor, he shal have Liberty, so soon as he comes to the knowledge thereof, and within fourty days thereafter, to make

an Eik of the ſame, to the ſaid Inventary; which Eik is to be made and ſubſcribed, given in and recorded, in the ſame manner with the Principal Inventary above-mentioned. And laſtly, it is hereby declared, that appearand Heirs, if they pleaſe, may enter without Inventary as formerly in all points, and that whether they enter with or without Inventary, they are ſtill to enter by Service and Retour, or by Precepts of *Clare conſtat*, in manner formerly accuſtomed.

XXV.

ACT anent the Repetition of Fines.

July 10. 1695.

OUR SOVERAIGN LORD conſidering, that by the Eighteenth *Act* of the Second *Seſſion* of this current Parliament, Intituled, *Act Reſcinding the Forefaultures and Fines, paſt ſince the Year One thouſand ſix hundred ſixty five*; All Fines then unpayed, which were impoſed by Sentences, from the firſt day of *January* One thouſand ſix hundred ſixty five, to the fifth of *November* One thouſand ſix hundred eighty eight upon any perſon or perſons for Church Irregularities or Non-conformities, or refuſing of Publick Bonds, Subſcriptions or Oaths, or for not obeying *Acts*, Proclamations and Orders thereanent, Reſetting or Converſing with Rebels, for the Cauſes foreſaid, refuſing to depone in Lybels againſt themſelves, in Capital Caſes, albeit reſtricted to an Arbitrary Puniſhment; with all Hornings, Denunciations and Intercommunings, given, pronounced, and iſſued furth in Parliament, or by an other Court or Commiſſion againſt any Perſons, for the ſaids Cauſes, are expreſly diſcharged: And further, that by the foreſaid Act, it was remitted to the Commiſſion, appointed for Fines and Forefaulters, to conſider the Grounds of repetition of ſuch of the ſaid Fines as were payed to Donators, or others having Right from them, and other privat Parties: And alſo conſidering that the ſaid Commiſſion hath given no Deciſion or Determination upon the foreſaid Remit, whereby the Parties leſed, who made payment of the ſaid Fines in manner foreſaid, to Donators, and others, have as yet received no redreſs: Therefore His Majeſty, with Advice and Conſent of the Eſtates of Parliament, Doth *Statute and Declare*, That where Fines were impoſed by Sentences from the firſt of *January* One thouſand ſix hundred ſixty five, to the fifth of *November* One thouſand ſix hundred eighty eight, upon any Perſon for Church Irregularities

and

and Non-conformities, or refuſing of publick Bonds, Subſcriptions and Oaths, for not obeying Acts, Proclamations and Orders thereanent, Reſetting of, or Converſing with Rebells for the Cauſes foreſaid, refuſing to depon upon Lybells againſt themſelves in Capital Caſes, albeit reſtricted to an Arbitrary Puniſhment, and that the Perſons ſo fined, have made payment of the hail of the ſaid Fines, or any part thereof, to Donators or others, that it ſhal be leaſom for them to purſue the ſaid Donators or others for repetition, and who are hereby declared lyable to refound what they have received, together with the Annualrent thereof ſince *Martimaſs* One thouſand ſix hundred eighty eight. And furder, His Majeſty, and the Eſtates of Parliament, having conſidered the Act made in the year One thouſand ſix hundred and ninety, Reſcinding Fines and Forefaulters, and that thereby the forefaulted Perſons are reſtored to their Lands, Rents and Poſſeſſions, and the Compoſition made by them or others in their Name, ordained to be repayed by the Donators or others; and ſeing it is juſt, that the Annualrents of the ſaid Compoſitions, ſince the date of the foreſaid Act be likewiſe payed. Therefore, His Majeſty, with Advice and Conſent foreſaid, *Statutes and Ordains*, that Annualrent from the Date of the ſaid *Act* be repayed, with the Compoſitions themſelves, excepting always furth and frae this *Act*, all Fines impoſed by Mr. *John Meinzies* Advocat, while Sheriff-Depute of *Lanerk*, in regard it is notorly known he fined not for any advantage to himſelf, but for prevention of rigorous Execution from others, and remits all Cauſes for repetition of Fines depending before the Parliament or Commiſſion to be diſcuſſed by the Lords of Seſſion ſummarily, without abiding the courſe of the Roll. And it is furder declared, that where any perſon forefaulted and reſtored as above, ſhal be found to be poſtponed in diligence, either for his Payment as a Creditor, or his Relief as a Cautioner, by reaſon of his forefaulture, he ſhal now, after his Reſtitution be in the ſame Caſe for preference, as if he had done all Diligence poſſible for him, if not forefaulted.

XXVI.

ACT Diſcharging Popiſh Perſons to prejudge their Proteſtant Heirs in Succeſſion.

July 11. 1695.

OUR SOVERAIGN LORD underſtanding, that Parents, and others of the Popiſh Religion, and that are ſo affected, Do reſtrain and overawe their Children, and appearand Heirs, ſo as they cannot, though convinced in their Conſciences, by the Light of the Truth, abandon the Popiſh Errors and Superſtitions of their ſaid Parents, for fear that they may be by them diſ-inherited, and deprived of any Bene-

fit of Succeſſion, that they may have, by their ſaid Parents, and others foreſaid; *Do* therefore, and for Remeid thereof, *Statute and Ordain*, with Advice and Conſent of the Eſtates of Parliament, that it ſhal not be leiſom, nor in the power of any profeſt or known Papiſt, to make any Gratuitous Deed, or Diſpoſition in prejudice of their appearand Heirs, and the Benefit they may have, by their Succeſſion to, and in Favours of any other Perſon, or Perſons whatſomever; Declaring, Likeas, it is hereby declared, that no ſuch Diſpoſition or Deed, ſhal be of any force, but ſhal be judged to be gratuitous, unleſs that both the Perſon granter, and the Writer and Witneſſes in the Deed, ſhal declare upon Oath, and alſo qualify ſatisfyingly, before the Judge Ordinary of the Bonds, that the foreſaid Diſpoſition and Deed was made and granted, for true, onerous, and adequat Cauſes; or otherways that the ſame ſhal be null and void, in manner above-Statute.

XXVII.

ACT Concerning the Church.

July 16. 1695.

OUR SOVERAIGN LORD, Being ſenſible of the Hurt and Miſchief that may Enſue, upon the expoſing of the Peoples Minds to the Influence of ſuch Miniſters, who refuſe to give the Proofs required by Law of their Good Affection to the Government; And withal deſirous, that in the firſt place, all gentle and eaſie Methods ſhould be uſed to reclaim men to their Duty, whereby the preſent Eſtabliſhment of this Church, may be more happily preſerved, the knowledge of the Truth, with the practice of true Piety more ſucceſsfully advanced, and the peace and quiet of the Kingdom more effectually ſettled: Hath thought good to allow, and with Advice and Conſent of the Eſtates of Parliament, hereby allowes to all Miniſters that were at the time of His Majeſties happy Acceſſion to the Crown, and have ſince continued actual Miniſters in particular Paroches, and no Sentence either of Depoſition or Deprivation paſt againſt them, and have not yet Qualified themſelves, conform to the Act of Parliament 1693, Intituled, *Act for taking the Oath of Allegiance and the Aſſurance*, a new and farther day, *viz.* the firſt of *September* in this preſent year 1695, to come in and take the ſaid Oath of Allegiance, and to ſubſcribe the ſame with the Aſſurance betwixt and the ſaid day, and that either before the Sheriff, or Sheriff-Deput of the Shires, or the Provoſt or Baillies of the reſpective Burghs, or any other Inferior Magiſtrat of the bounds where they live, or before any Privy Counſellor, with a Certificat

Certificat under the hand of the ſaid Inferior Judges, or Privy Counſellor, to be reported to the Lords of His Majeſties Privy Council, or their Clerk, within the ſpace of twenty one days after the date of the ſaid Certificat: Declaring, that all ſuch as ſhal duely come in and qualify themſelves as ſaid is, and ſhal behave themſelves worthily in Doctrine, Life and Converſation as becomes Miniſters of the Goſpel, ſhall have and enjoy His Majeſties Protection, as to their reſpective Kirks and Benefices, or Stipends, they always containing themſelves within the Limits of their Paſtoral Charge within their ſaid Paroches, without offering to Exerce any power, either of Licenſing, or Ordaining Miniſters, or any part of Government in General Aſſemblies, Synods, or Presbytries, unleſs they be firſt duely aſſumed by a competent Church Judicatory; in which Caſe, it is hereby farder Declared, that the foreſaid Miniſters firſt qualifying themſelves as above, may be aſſumed by the reſpective Church Judicatories to which they belong, and ſhall apply to partake with them in the preſent Eſtabliſhed Government thereof: Providing nevertheleſs, that as the ſaid Miniſters who ſhal qualifie themſelves as ſaid is, are left free to apply or not, to the foreſaid Church Judicatories: So the ſaid Church Judicatores are hereby alſo Declared free to aſſume, or not aſſume the foreſaids Miniſters, though qualified as they ſhall ſee cauſe: WITH CERTIFICATION, that ſuch of the ſaid Miniſters, as ſhall not come in betwixt and the ſaid day, are hereby, and by the force of this preſent Act, *ipſo facto*, Depriof their reſpective Kirks and Stipends, and the ſame Declared vacant without any further Sentence. And His Majeſty being purpoſed, that His Grace ſhall be ſtill patent to all; doeth further Declare and Statute, with Conſent foreſaid, that at what time ſoever any Miniſter, either ſettled in a Church, or not, ſhall upon application, be judged fit to be aſſumed by any competent Church Judicatory as ſaid is, the foreſaid Miniſter, upon a Certificat thereof from the ſaid Judicatory, ſhall be admitted and allowed to qualify himſelf, by taking the Oath of Allegiance, and ſubſcribing the ſame with the Aſſurance in manner foreſaid, albeit the ſaid firſt of *September* be paſt and elapſed. And His Majeſty with Conſent foreſaid, Allows, Declares, and Statutes as above, any thing in the foreſaid Act 1693, or in the other Act of the ſame Seſſion of Parliament, Intituled, *Act for Settling the Quiet and Peace of the Church*, notwithſtanding. And His Majeſty with Conſent foreſaid, for the greater encouragement of all Miniſters of the Goſpel, not only ratifies the Act of Parliament 1669, forbidding all Suſpenſions of ſpecial Decreets and Charges for Miniſters Stipends, or the Rents of their Benefices, except on production of Diſcarges, or upon Conſignation in manner therein provided: But further Statutes and Ordains, that there be no Advocation, or Siſt of Proceſs granted of Actions for the ſaid Stipends, or Rents of Benefices, when purſued before Inferior Judges, and that in the caſe of a Decreet, there be neither Suſpenſion nor Siſt of Execution granted, except on production of clear Diſcharges or Conſignation as ſaid is, and if any Suſpenſion be paſt, that the ſame be ſummerly diſcuſſed at the Inſtance of the Charger, without abiding the Order and Courſe of the Roll: And that if the Letters be found orderly proceeded, the Suſpender be alſo Decerned at leaſt

in a fifth part more than the Sums charged for, with what more the Lords ſhall judge reaſonable to be payed to the Charger for his Expenſe and Damnage. and if any Miniſter ſhall happen to purſue for his Stipend by way of ordinary Action before the Lords, it is hereby farther Ordained, that the ſame be ſummarly proceeded in, and diſcuſſed without abiding the Courſe of the Roll. And Laſtly, for a more ample Declaration of an Act made in this Seſſion of Parliament, for encouraging of Preachers at Vacant Churches be-North *Forth*, His Majeſty with Conſent foreſaid, extends the ſame not only to Preachers who are not ſettled in Churches, but alſo to ſuch Miniſters who though ſettled in Churches, are yet ſent from time to time from any Presbytry or Synod of this Church, without their own Presbytry, to ſupply the ſaid Vacancies, to the effect, that the ſaid Miniſters ſettled, as well as the ſaid Preachers not ſettled, may equally have the benefit of the ſaid Act, in the terms thereof.

XXVIII.

ACT For the Additional and Annexed Exciſes.

July 16. 1695.

THE Eſtates of Parliament, taking to their Conſideration, that for the Maintaining of the preſent ſtanding Forces, and the neceſſary Defence of the Kingdom, and Coaſts thereof, againſt the Dangers that continue to threaten from the preſent War; an Additional Fond, to the Supplies already given, in this preſent Seſſion of Parliament, is requiſit: Do therefore, for the ſaid Fond, and over and above the Exciſe of *two merks* upon the Boll of Malt, and the Exciſes on ſtrong Waters and Brandy, and Forreign Beer annexed to the Crown, heartily offer to His Majeſty, an Additional Exciſe of *two pennies* upon the Pint of Ale and Beer, browen to be vended and ſold; As alſo, of *two ſhilling* upon each Pint of Aquavitæ and ſtrong Waters, brown or made of Malt, to be vended and ſold within the Kingdom: And likewiſe an Additional Exciſe of *two ſhilling* upon each Pint of Aquavitæ and ſtrong Waters brown, not made of Malt, excepting what is made of Wine; and that during the ſpace of *twelve Moneths*, commencing from the firſt day of *September* next. And His Majeſty, and Eſtates of Parliament, conſidering the Advantages of a greater Conſumption, and better Liquor ariſing, both to the Heretors, Brewers, and the whole Leidges of the Kingdom, by laying all Exciſes upon the Liquor, and not upon the Malt; as alſo the manifeſt conveniency that the ſaid Annexed Exciſe formerly on the Malt be converted upon the Liquor, that both theſe Exciſes may be uniformly raiſed and uplifted,

uplifted, with leſs Charges and Expenſes, with which Reaſons, and the Truth thereof, after mature Deliberation, the Eſtates of Parliament are ſatisfied, and fully convinced, that His Majeſty getting an Equivalent, the ſame are juſt and important, concerning both His Majeſties Intereſt and the publick Good and Weltare of this Kingdom. Therefore His Majeſty, with conſent of the ſaid Eſtates, hath diſſolved, and hereby diſſolves the foreſaid Annexed Exciſe of *two Merks* upon the Boll of Malt, from the Crown and Patrimony thereof. Reſcinding, likeas, His Majeſty hereby reſcinds the Act of Parliament 1685, giving, and annexing the foreſaid Exciſe of *two Merks* upon the Boll of Malt to the Crown, in ſo far as, it gives and annexes the ſame allannerly, and no farder: Together with all Tacks, Contracts or Commiſſions, made, or granted, of, or concerning the foreſaid annexed Exciſe, hereby Diſſolved and taken away; Declaring the ſaid Tacks, Sub-tacks, Contracts, and Commiſſions to be fallen therewith *in Conſequentiam*, after the firſt day of *September* aftermentioned: In place of the which annexed Exciſe, and as an Equivalent, in Lieu thereof, the Eſtates of Parliament, for the uſefulneſs of this Grant, to ſupport the Intereſt of the Crown, do humbly and unanimouſly offer to His Majeſty, over and above the foreſaid *two pennies*, and other additional Exciſes abovementioned, an Exciſe of *three pennies* more upon the Pint of all Ale and Beer browen to be vended and ſold as ſaid is; As alſo, of *three ſhilling* more upon ilk Pint of Aquavitæ or ſtrong Waters, not made of Malt browen and ſold within this Kingdom: *ſix ſhilling* upon ilk Pint of Forraign Aquavitæ, Brandy, or ſtrong Waters; and *thirty ſhilling* upon ilk Barrel of imported Forreign drinking Beer; and this Exciſe hereby given in Lieu of the foreſaid annexed Exciſe of *two Merks* upon the Boll of Malt, and Ordained to commence from the foreſaid firſt day of *September*: His Majeſty, and the Eſtates of Parliament, by the force of this preſent Act, have United and Annexed, and Unites and Annexes the ſame to the Crown of this Realm, to remain therewith, as annexed Property in all time coming. And His Majeſty, with Advice and Conſent foreſaid, do appoint the payment of the ſaid Two Exciſes, unannexed and annexed, extending to *five pennies* upon the Pint, ſo long as they ſhal Concur, to be as follows, *viz.* For the firſt two Moneths, upon the firſt day of *November* next to come, and thereafter quarterly, and proportionally, ſo long as they ſhal concur, and ſtand together; and thereafter the foreſaid new annexed Exciſe to be payed at ſuch Terms as His Majeſty and Succeſſors ſhal pleaſe to appoint; And for making of the ſaid two Exciſes effectual for their reſpective Endurances, His Majeſty, with Conſent foreſaid, doth Impoſe and Ordain the foreſaid two Exciſes upon Ale and Beer, to be raiſed and uplifted from all Brewers of the ſaid Liquors, brown and made to be vended and ſold, as ſaid is; and the ſaid Exciſes upon Aquavitæ and ſtrong Waters to be raiſed and uplifted from all Retailers thereof. And for the raiſing and inbringing of the ſaid Exciſe, His Majeſty, and the Eſtates of Parliament do hereby Appoint and Authorize the Commiſſioners of the new Supply, appointed in another Act of this preſent Seſſion of Parliament to be the Commiſſioners of the Exciſe,

during the reſpective Endurances of the ſaid two Exciſes, for the ſeveral Shires, for the end foreſaid, and the Royal Burghs to have the ſame number of Commiſſioners, as was appointed by the fourteenth Act of the Parliament 1661, impowering them fully for that effect, conform to the Rules and Orders formerly Enacted for raiſing and inbringing the former annexed Exciſe upon Malt: As alſo to ſet down and cauſe obſerve ſuch other Rules as they ſhal judge neceſſary, agreeable always to the Acts of Parliament already made about the foreſaid Exciſe. And that the ſaid Exciſes on Liquor may ariſe more equally, it is hereby Statute, That during the Concurrence of the ſaid two Exciſes, the loweſt Price of Ale or drinking Beer to be brewed and vented and ſold for hereafter, ſhal in all Burghs, where the Burgh hath an particular Impoſition on Malt or Liquors, be *twenty eight pennies* for the Pint, to be payed by the Buyer to the Ventner or Tapſter, and in all other Places, both to Burgh or Landward, *two ſhilling* the Pint, with Certification that the Ventner tranſgreſſing, by ſelling under the ſaid Rates, ſhal be fined by the ſaid Commiſſioners in the Sum of *ten pound Scots* at the inſtance of any other Brewer or other Complainer *toties quoties*, to be applyed by the ſaids Commiſſioners for Pious and Publick Uſes, within their reſpective Shires; and further, be either put under ſufficient ſurety to obſerve this Rule for hereafter, or if he cannot find ſurety, diſcharged to brew in time coming, at the ſight of the ſaids Commiſſioners. And further, His Majeſty, with Advice and Conſent foreſaid, doth hereby Declare and Enact, that if any Brewer in uſe to brew for ſale and Change, ſhal give over brewing after the date of this Act, without an Allowance in writing from the Commiſſioners of Exciſe, for good and ſeen Cauſes, the ſaid Brewer ſhal not be permitted to brew for Change, for the ſpace of five years thereafter; but ſhal be, and is hereby Diſcharged and rendered uncapable to do the ſame; As likewiſe, it is hereby Statute and Ordained, that no perſon whatſoever, who have not been in uſe to brew for the ſervice of themſelves and their Family in time by paſt, ſhal preſume to brew after the firſt day of *September* next to come, for their own and their Families uſe, and if they contraveen, that they ſhal be lyable in payment of the value of what they ſhal brew. And his Majeſty, with conſent foreſaid, doth Ordain the ſaid Commiſſioners to meet the firſt *Tueſday* of *September* next, at the Head Burgh of every Shire *reſpective*, and afterwards upon the firſt *Tueſday* of ilk Moneth where they ſhal appoint. And it is hereby ſpecially provided, that if either Collector or Farmer, ſhal preſume to raiſe or Levie the ſaid Exciſe upon the Malt, or otherwiſe than upon the Liquor, he ſhal incurr the pain of an 100 *Merks*, *toties quoties*, to be decerned and exacted by the ſaid Commiſſioners, or by the Lords of Privy Council, in caſe the ſaids Commiſſioners ſhal overlook the ſame: as alſo, that the Brewer aſſenting thereto, or complice therein, ſhal incurr the pain of *fifty Merks*, and alſo amitt and loſe the Liberty of brewing, which Fines are alſo hereby appointed to be applyed *ut ſupra*: And it is hereby Declared, that if any Tackſ-man or Collector, or other Perſon ſhal exact any thing over and above his Exciſe for the Diſcharges thereof, or for the Diſcharge of any other publick Dues whatſoever, it ſhal be repute as Oppreſſion, and puniſhed accordingly by the

the ſaid Commiſſioners, who are hereby impowered to proceed againſt the perſons guilty. And His Majeſty, with Advice and Conſent foreſaid, do Authorize and Impower the Lords of Privy Council to preſcribe ſuch other Methods and Orders as they ſhal judge neceſſary for making this Act effectual.

XXIX.

ACT For Continuing the Additional Exciſe till March 1697, *with Three Months farder Ceſs.*

July 16. 1695.

THE ESTATES OF PARLIAMENT Taking to their further Conſideration, the preſent State of the Kingdom, and publick Exigencies thereof; Have thought fit to Offer, and do hereby Humbly & Heartily Offer to His Majeſty, that the Additional Exciſe of Two Pennies upon the Pint of Ale and Bear, and other Liquors Impoſed for an Year, beginning the firſt of *September* next, by an Act of this Seſſion of Parliament, be Continued from and after the expiring of the ſaid Year, until the firſt of *March* 1697. And ſicklike, the Sum of Two Hundred and Sixteen Thouſand Pound, being Three Months Ceſs upon the Land-rent of this Kingdom, payable at the Term of *Lambmas* 1696 years, and that over and above the Six Months Ceſs already granted by another Act of this Seſſion of Parliament: And accordingly His Majeſty, with Advice and Conſent of the ſaid Eſtates, *Statutes and Ordains*, That the ſaid Additional Exciſe hereby Continued as ſaid is, and the ſaid Three Months Ceſs payable at *Lambmas* 1696, granted by this preſent Act, ſhall be raiſed, upliſted and ingathered from the perſons lyable in payment, in manner and for the ends appointed by the ſaids two reſpective Acts above-mentioned.

XXX.

ACT For Preſervation of Meadows, Lands and Paſturages lying adjacent to Sand-Hills.

July 16. 1695.

OUR SOVERAIGN LORD Conſidering that many Lands, Meadows and Paſturages lying on the Sea-coaſts, have been ruined and overſpread in many places of this Kingdom, by Sand driven from adjacent Sand-hills, the which has been mainly occaſioned by the pulling up by the Root of Bent, Juniper and Broom-Buſhes, which did looſe and break the Surface and Scroof of the ſaids Hills; and particularly Conſidering that the Barony of *Cowbin*, and Houſe and Yards thereof, lying within the Sheriffdom of *Elgin*, is quite ruined and overſpread with Sand, the which was occaſioned by the foreſaid bad practice of pulling the Bent and Juniper. Therefore His Majeſty, with Advice and Conſent of the Eſtates of Parliament, for preventing of the like Prejudices in time coming; Does ſtrictly Prohibite and Diſcharge the pulling of Bent, Broom, or Juniper off Sand-hills for hereafter, either by the Proprietors themſelves, or any other whatſomever, the ſame being the natural Fences of the adjacent Countries to the ſaids Hills; Certifying ſuch as ſhall Contraveen this Act, they ſhall not only be lyable to the Dammages that ſhall there-through inſhew, but ſhall likeways be lyable in the Sum of Ten Pounds of Penalty; the one half thereof to belong to the Informer, and the other half to the Judge within whoſe Juriſdiction the ſaid Contravention ſhall be committed.

XXXI.

ACT For turning the Tack of the Pole 1693, into a Collection.

July 16. 1695.

OUR SOVERAIGN LORD Conſidering, that albeit the Pole granted by Act of Parliament, in the year 1693, was Set by the Lords of Theſaury and Exchequer, to the Lord *Roſs*, Sir *John Cochran* of *Ochiltrie*, and others mentioned in the Tack thereof, for the Sum of Fourty four thouſand one hundred Pounds *Sterling* of Tack-Duty, as the Tack in it ſelf bears: Yet the Levying of Money

ney by Pole being new, and the Countrey and others concerned, not obſerving the Rules and Ordinances contained in the Act of Parliament thereanent, but through their Failzying, incurring the Quadruples appointed by the ſaid Act by way of Penaltie; the foreſaids Tackſmen were not able to pay the foreſaid Dutie, unleſs they had been allowed to exact the foreſaid Quadruples, which had viſibly tended to the great oppreſſion and diſturbance of the whole Kingdom. THEREFORE, and in ſo ſingular a Caſe, which His Majeſty is reſolved ſhal never be drawn into Example, His Majeſty with the Advice and Conſent of the Eſtates of Parliament hath Liberated, and hereby Liberates the foreſaid Tacks-men, and all others concerned therein, from the ſaid Tack and Tack dutie, Diſcharging and Exonoring them of the Samen, but with this Condition and Proviſion. Likeas His Majeſty with Advice foreſaid, hereby Statutes and Provides, That the foreſaid Tackſmen ſhal make juſt Compt and Reckoning of all their Intromiſſions with the ſaid Pole-money, Sicklike as if they had only been Collectors, and inſtead of the ſaid Tack had got a Commiſſion allanerly for that Effect, with and under always the Particular Conditions following. Firſt, that the ſaid Tackſmen be Lyable for all the Sub-Collectors and Managers Imployed by them. Secondly, that all their Books be made Patent, and Examined. And that the Tackſ-men and their Sub-Collectors be examined upon Oath, as to the verity thereof, and whether there be any thing Omitted. Thirdly, that in caſe it be found, there was any thing Received from the Countrey, not given up in the Books: That the Tackſmen, or their Sub-Collectors be lyable in *Twenty Shilling*, for each *Shilling* ſo Omitted. Fourthly, that the Rolls of the Poleable perſons taken up by the ſeveral Juſtices of Peace, Magiſtrats of Burghs, and others be produced to be compared with the Books. Fifthly, That a few Comptrollers be appointed to examine Books, and Accompts, and adjuſt the whole Matter, and that the Leidges be Invited & Encouraged to Comptroll the ſaid Accompts, and that they be patent at a publick Office for a reaſonable time to all the Leidges for that end. Sixthly, that the Order of Payment, *viz.* of the Countrey in the Firſt place, and then of the Forces, as Preſcribed by Act of Parliament, be duely and ſtrictly obſerved by the Commiſſion after-mentioned. Seventhly, that upon Accompts Inſtructed and Liquidat, in due manner, Retention be allowed by the Commiſſion to thoſe to whom the ſaid Accompts are due, in the Terms of the Act of Parliament. Eightly, that where any Sub-tack hath been Set by the ſaid Tackſ-men, the Sub-tackſmen have in their Option, either to pay the Sub-tack-duty, or make Compt, Reckoning and Payment of their Intromiſſion, as Sub-collectors. Ninthly, that no Sallaries be allowed, or given to the ſaid Tackſ-men, or their Sub-tackſ-men, for their Collecting. And to the Effect, the ſaid Compt and Reckoning may proceed; His Majeſty with Advice and Conſent foreſaid; Hereby Nominats and Appoints the Duke of *Queenſberry*, the Earls of *Linlithgow* and *Levin*, Sir *John Lauder* of *Hattoun*, the Laird of *Livingſtoun*, the Laird of *Torwoodlie*, Sir *William Hamilton*, Sir *Archibald Murc*, and *William Menzies* Commiſſioners, three of every

State, Choſen by the Parliament, for that Effect, whereof any five to be a *quorum*, to meet at *Edinburgh* the firſt Lawful day after the Riſeing of this Seſſion of Parliament, and thereafter at ſuch days as the ſaid Commiſſion ſhall Appoint. Likeas one of the Commisſioners of His Majeſties Theaſury is Allowed to be Preſent, with Right to Vote, But ſo as his Preſence ſhall not be neceſſary to make up the foreſaid *quorum*, with Power to the ſaid Commisſioners to take in the Accompts of the ſaid Tackſ-men their Intromiſſion, as if they had been Collectors, and to make them Accompt for their Collection, in manner, and under the Conditions Above ſet down; And to Determine all Differences betwixt the ſaid Tackſ-men and the Countrey, and the Officers, and Souldiers, anent the Premiſſes: As alſo with Power to the ſaids Commiſſioners to do every thing neceſſary, for Inbringing of what is yet reſting unpayed of the ſaid Pole by the Countrey, and for making the ſame effectual; and alſo to Decide, and finally Determine all Queſtions, that may ariſe concerning the Preferrence of the Officers of the Army Intereſted, or their being brought in equality to get their Shares of Payment out of the Subject of the ſaid Pole, as likeways with Power to them, to allow, or not to allow Expenſes for Inbringing the ſaid Pole to the ſaid Tackſmen, and their Subtackſmen now turned to Collectors, and Sub-collectors as they ſhal ſee Cauſe: And generally to do all other things anent the Premiſſes, that they may bring the foreſaid Tackſmen their Intromiſſion and Collection to a clear State and Ballance; and alſo for In-gathering what ſhal be found Reſting of the ſaid Pole-money, either in the hands of the ſaid Tackſmen, or in the hands of any other Perſon lyable therein, and cauſe pay in the ſame to His Majeſties General-Receiver of the Crown Rents, providing that the ſaid Commiſſioners uſe the ſame and no other Method or Diligence for In-gathering than what is Preſcribed for In-gathering of the New Pole: The Quadruples in the Act anent the Pole 1693 being hereby Expreſly Diſcharged, and farder, with Power to apply the whole neat Product thereof by Precepts on the ſaid General-Receiver, Conform to the Deſtination contained in the Act of Parliament, and in the Order, and under the Certification therein ſpecified: And it is hereby farder Declared, that for what ſhal be ſtill found Reſting by the ſaid Tackſ-men, after Juſt Compt and Reckoning, their Cautioners for the foreſaid Tack-dutie ſhal be lyable therefore, notwithſtanding that the foreſaid Tack be hereby Diſolved and turned to a Commiſſion or Collection as ſaid is; and it is farder hereby provided that the Commiſſioners above-named ſhal be, and are hereby Appointed to be, Commiſſioners for Calling for, Examining, and Concluding the Accompts of the three Months Ceſs, *viz.* And of the Hearth-money, Impoſed in the year 1690, with Power to them to call all Collectors, Intromettors, and other Perſons concerned, in ſo far as they have not Compted to, and got Diſcharges from the Lords of Theſaurie, and make them Compt, Reckon, and Pay as accords; and farder to take ſuch Methods as they ſhal think fit, to upliſt and bring in the Reſts of the ſaid Hearth-money yet Reſting by the Countrey,

trey, according to the Orders and Proclamations already given and Emitted in that Matter, and to Appoint Collectors for that End, or Farm the ſame as they ſhal think fit, and Generally to do all other things neceſſary, for the full and final Clearing of the ſaid three Months Ceſs and Hearth-money; and farder the ſaid Commiſſioners are hereby Impowered to put the whole of the ſaid Pole-money hereby Ordered to be Compted for, to a Roup, and Aſſign, and ajudge the ſame to the higheſt Offerer, with this proviſion that it ſhal not be Rouped for leſs than Thirty thouſand Pound *ſterling*, and that the ſaid higheſt Offerer have the whole Powers hereby given to the ſaid Commiſſion for In-gathering thereof, and this Power is alſo extended to the Rouping of the Reſts of the ſaid Hearth-money as they ſhal ſee Cauſe. And laſtly it is hereby Declared, that if any of the ſaids Commiſſioners ſhal happen to Depart this Life, His Majeſtie ſhal have the Naming and Appointing of one in his place out of the ſame ſtate to whom the *Perſon Deceaſand* belonged.

XXXII.

ACT For Encouraging the Exportation of Victual.

July 17. 1695.

HIS MAJESTY AND ESTATES OF PARLIAMENT Conſidering, That the Grains of all ſorts, are the greateſt Product and Commodity of this Nation; and Conſidering how neceſſary it is for the Promoving of Tilladge, and Improvement of Trade, to the beſt Advantage of the Kingdom, that an effectual Encouragment be granted for Exportation of Corns and Victual furth thereof. Therefore His Majeſty, out of his Royal Bounty, with Conſent of the *Eſtates* of Parliament, *Statute and Ordain*, that all ſorts of Grains exported out of the Kingdom after *Martinmas* 1696, ſhall be free of any Dues formerly payable for *Exportation*; and that for encouraging Export after the ſaid Term, there ſhall be given out of the Cuſtoms to the Exporter, upon his Oath of Verity, of the number of the Bolls exported, Subſcribed with his Hand, and Atteſted by the Collector of the next adjacent Cuſtom-houſe, Eight Merks for ilk Chalder of Grain, that ſhall be exported by Sea or Land, when they ſhall not exceed the *Prices* following, *viz.* when Wheat is at or under Twelve *Pound* the Boll; Bear, Barley, and Malt, at or under Eight Pound *per* Boll; Peaſe, Oats, and Meal, at or under Six Pounds *per* Boll; all the ſaids Grains being of *Linlithgow* Meaſure. With this Proviſion always, that the ſaid Exportation ſhall be by *Scots* Men, or in *Scots* Ships; and that the Maſter and Three *Fourth Parts* of the Seamen of the ſaid *Ships*, ſhall be *Scots* Men: As alſo, with this Proviſion, that when the Grains

exceed the foreſaids Rates, the Lords of His Majeſties Secret Council may Diſcharge the Exportaion of Victual of all ſorts, ay and till the Grains fall to the Prices foreſaid.

XXXIII.

ACT For the Levies.

July 17. 1695.

THE ESTATES OF PARLIAMENT Conſidering how neceſſary it is, that during this preſent War, which ſo much concerns the Defence and Security of the *Proteſtant Religion*, and of His Majeſties Kingdoms, certain Rules and Orders ſhould be laid down for Recruits and Levies, as they ſhall be found needful, whereby both the Kingdom may be delivered from the frequent Diſorders and Oppreſſions of pulling away poor Men from their Wives and Children, that cannot ſubſiſt without their Handy-Labour, and the Engaging and Seiſing of other unfit men, no ways proper for the Service, which hitherto hath been found a moſt ſenſible Grievance, and whereby alſo His Majeſties Service for the Maintaining and Carrying on of the ſaid War, may be more effectually Promoted: And the ſaid Eſtates taking likeways into their Conſideration, that all Heretors, and the ſuperior ſort of His Majeſties Leidges, do really Contribute to the foreſaid War, by their paying of Supplies, Pole-money and Exciſe, and other publick Burdens; whereby it ſeems moſt reaſonable, that the inferior ſort, that Contribute little or nothing, ſpecially ſuch who are young Men, without Wives or Children, and do Earn their Living by Dayly Wages, or Termly-hire for their Handy-work, and who by the Laws of the Land may be compelled to ſerve, His Majeſties other good Subjects ſhould be made lyable to contribute their Service for a certain ſpace in the foreſaid War, which is manifeſtly moſt neceſſary for the Defence and Security of themſelves and the whole Kingdom, beſide the other Advantanges of Profit and Honour that thereby may accrew to them. Therefore His Majeſty, with Advice and Conſent of the Eſtates of Parliament, *Statutes and Ordains*, that until the next Seſſion of this Parliament, and for the Service of the preſent War, either at Home or Abroad, there ſhall be furniſhed to His Majeſty, the Number of One Thouſand Men Yearly, when His Majeſty ſhall Require them, to be Proportioned and Levied, conform to the Rules and Proportions contained in the *Act* 1663, Intituled, *An Humble Tender to His Sacred Majeſty of the Duty and Loyalty of His antient Kingdom of* Scotland, as to the Twenty thouſand Foot therein-mentioned; which Thouſand Bodies of Men, ſhall be Furniſhed and Levied, without any Charge or Burden of Money on the Country whatſomever, in this manner, *Viz.* That the Commiſsioners

ners of Supply for the reſpective Bounds where the ſaid Proportions ſhall fall, firſt deſign, and cauſe be given, the Idle, Looſe and Vagabond Perſons, lyable by former *Acts of Parliament*, to be ſeiſed by Sheriffs, and who have not Wife and Children, to make up the foreſaid Number; and in the next place, ſhall cauſe all the young Fenſible Men of the Bounds, not having Wife and Children, and who are not Menial or Domeſtick Servants to any Heretor, but Earn their Living by Dayly Wages, or by Termly Hire payed them by other Maſters for their Handy-Labour; to meet at certain Days and Places, and there by Lot, and throwing of the Dyce, or otherways as they ſhall think fit, Determine which of them ſhall go furth to ſerve as Souldiers, with this Proviſion, that the foreſaid perſons being all firſt liſted by the ſaid Commiſsioners, and appointed to Meet as ſaid is, if any of them ſhall be abſent, any Heretor to be appointed by the ſaid Commiſsioners, ſhall throw for him, and if the Lot ſhall fall on that perſon abſent, or if he ſhall be otherways deſigned to be put furth by the ſaid Commiſsioners, he ſhall be lyable in all time thereafter as a Deſerter, ſicklike as if he had been preſent; and with this Encouragment to the whole foreſaid Perſons, to be put furth in manner foreſaid, that they ſhall have Twenty Pounds *Scots* payed them in ready Money, by the Officer who receives them, at the ſight of one of the ſaid Commiſsioners; and in the next place, that their being put furth and engaged as ſaid is, ſhall not oblige them longer to be and continue Souldiers, then for the ſpace of Three Years, and the firſt of *November* after the ſaid years, from the time of their ſaid Engagment, at which time they ſhall have an authentick free Paſs, unleſs they Subſcribe a new Conſent to continue longer in the Service. And the further Execution of this Act, that the foreſaid Levies and Recruits may be effectually raiſed in the moſt eaſie manner, is Referred and Recommended to the Lords of His Majeſties Privy Council, who are hereby thereto fully Impowered, during the continuing of this War, and no longer. And after ſo juſt a Condeſcendance for Facilitating of Levies and Recruits, It is hereby *Statute and Ordained*, that no Officer, either at Home, or from Abroad, offer to take on or preſs any free Leidge to be a Souldier, unleſs the Man be taken on by Agreement, owned by him in preſence of the Judge of the Bounds; and if any Officer ſhall Contraveen this Order, and Preſs or Compel any Man, contrair to the Rule hereby eſtabliſhed, that it be reckoned Oppreſſion, and the Tranſgreſſor puniſhed by the Fine of a Months Pay, and farder by Impriſonment, or Breaking and Caſheiring, as the Lords of Council ſhall think fit. And it is farder hereby *Statute and Ordained*, that all Officers exacting Lodging, Coal and Candle *gratis*, for themſelves, their Wives or Children, ſhall loſs and tyne their Commiſſion; and that all Souldiers Exacting Lodging, Coal and Candle *gratis*, for their Wives and Children, ſhall be lyable for the Parties Dammage, to be payed by their Commanding Officers, at the ſight and appointment of any Magiſtrat within Burgh, or other Judges to Landward; Certifying the Officer failieing herein, that he ſhall be lyable in Three Months Pay, and farder puniſhed as the Lords of Council ſhall appoint; which Fines are alſo to be applyed for reparation of the Parties in the firſt place, and the *Superplus* as the Council ſhall think fit.

XXXIV.

ACT For Additional Impoſition upon Forraign Commodities Imported.

July 17, 1695.

THE Eſtates of Parliament, Conſidering the great Conceſſions granted by His Majeſty in this preſent Seſſion of Parliament, in Favours of the natural Product of this Kingdom, by the Encouragment given for the Exporting of Corns, and the many Priviledges allowed for the Improvement of Trade and Manufactories, and that it is reaſonable, there ſhould be ſuch Additional *D*uties and Cuſtoms laid upon *F*orraign imported Commodities, in requital for His Majeſties gracious favour, Do with all humble Duty and Thankfulneſs, Offer to His *M*ajeſty the additional Duties upon the Forraign Commodities after-mentioned, and that by and attour what they were formerly lyable unto by Acts of Parliament preceeding the Date hereof, as by the following Table,

	Lib. ſh. d.	
Imprimis, Upon all Wine imported from *France* of New-Duty	18 00 00	
Which with the 30 *lib. ſcots* formerly impoſed by the Privy Council upon the account of the Sumptuary Act, makes in all *per* Tunn		48 00 00
Item, Spaniſh Wine from *Spain*, the Impoſition formerly impoſed by the Council, is hereby Ratified, which is *per* Tunn.		30 00 00
Item, On Brandy, the former Duty of Twenty pound *ſterling*, being ordinarly reduced by the Lords of Theſaury and *F*armers to Twelve pound *ſterling*; there is added of New-Duty *per* Tunn, by and attour the ſaid 12 *lib.*		72 00 00
Item, Upon Mum-Bear, over and above the old *D*uty, there is hereby added of New-Duty *per* *B*arrel		06 00 00
Item, On Tobacco in Leaf, not from the Plantations of New Duty *per* pound		00 02 00
Item, On Tobacco in Roll not from the Plantations, of New-Duty *per* pound		00 04 00

Item,

Item, On all *French* Wines imported from *Holland*, or any where else not of the Growth of the place from whence it is Exported, by and attour the above-written Duty, there is added of New-Duty *per* Tunn	30	00	00
Item, On all *Spanish* Wine from any place except *Spain* of New-Duty *per* Tunn,	48	00	00
Item, On Raisins and Currens from any place not of the Growth from whence they are Exported *per* hundred Weight, of New-Duty.	02	8	00
Item, On Figgs imported after the same manner *per* 100 Weight of New-Duty	01	8	00
Item, On Sugar in Loaf imported, of New-Duty *per* 100 Weight	03	00	00
Item, On Soap imported, of New-Duty *per* Barrel.	02	00	00
Item, On all sorts of Wrought Silks, Silk-Plushes, Stockings, of New-Duty *per* pound weight	01	10	00
Item, On all sorts of Silks wrought of Gold and Silver, *per* pound weight of New-Duty	03	00	00
Item, On all Silver and Gold Fringes, Silver and Gold Laces, Gallouns and Embroideries imported, *per* pound weight of New-Duty	03	00	00
Item, On all Forraign Laces and Points imported, of New-Duty Ten *per Cent* value			
Item, On all Forraign Woollen Cloath imported, of New-Duty *per* Eln	00	12	00
Item, On all Forraign Sarges and Worsted-Stuffs imported, of New-Duty *per* Eln	00	06	00
Item, On all Forraign Flannels, Fingrums, of New-Duty *per* Eln	00	04	00
Item, On all Linen-Cloath imported from Forraign Countries, of New-Duty *per* whole Piece at 36 Elns	12	00	00
Item, On the Half-Piece of Forraign imported Linen-Cloath of New-Duty	06	00	00
Item, On all *Silesia*-Linnen, of New-Duty *per* Piece being 5 Elns,	01	00	00
Item, On all Threed imported, of New-Duty five *per Cent* value			

Which Duties and Customs above-specified, Our Soveraign Lord with Advice and Consent of the Estates of Parliament, Statute and Ordain to be payed by all Merchants and other Importers of the said Forraign Commodities, in the same manner as the other Duties to which they were formerly lyable; And Ordains all Farmers, Collectors, Surveyers and others, to In-gather the same, and that after the same manner they do His Majesties other Duties upon Forraign imported Commodities, and that from and after the Term of *Martinmas* 1696 years: And hereby Discharges

the ſaid Collectors, Farmers, Surveyers, and other In-bringers of His Majeſties Cuſtoms to Tranſact, Abate or allow of any Defalcation of the Additional Duties above-ſpecified, under the pain of Deprivation of their Offices, and loſing the Benefite of their Tacks.

XXXV.

ACT Anent burying in Scots *Linen.*

July 17. 1695.

OUR SOVERAIGN LORD, with Advice and Conſent of the Eſtates of Parliament, for the better improvement of the Manufactory of Linen within the Kingdom, and reſtraining the Import of all Forraign Linen, Doth hereby Ratify and Approve the ſixteenth *Act* of the Parliament 1686 Intituled, *Act for burying in* Scots *Linen*, in the hail Heads and Articles, thereof; Ordaining the ſame to be put to ſtrict Execution in all Points, with this *Addition*, that none preſume to cauſe bury any in *Scots* Linen, in value above Twenty *Shilling Scots per* Ell, under the ſame pains ſet down in the foreſaid *Act* againſt burying in Forraign Linen: And for the better diſcovery of the ſaid Tranſgreſſion, and Execution of the foreſaid *Act*, and the Addition hereby made to it, His Majeſty, with Conſent foreſaid, *Statutes and Ordains*, That the neareſt Elder, or Deacon of the Pariſh, with one Neighbour or two, be called by the Perſons concerned, and preſent to the putting of the dead Corps in the Coffin, that they may ſee the ſame done, and that the foreſaid *Act*, with this preſent Addition is obſerved, and ſubſcribe the Certificat, mentioned in the foreſaid *Act*, and that whatever Relation, or other Friends of the Defunct preſent, and having the Charge of the burying, ſhal either fail in obſerving the foreſaid *Act*, with this Addition, or to call the Elder or Deacon, with ſuch Neighbours as may be Witneſſes, or to ſend and give in the Certificat, appointed by the ſaid *Act*, he or they ſhal be holden as Tranſgreſſours, and lyable in the Pains thereof; which Pains are alſo hereby intirely applyed, and given to the Poor of the Pariſh: and any Elder or Deacon of the Pariſh is impowered to purſue for the ſame, for their uſe, nor ſhal any Purſuit for the ſaid Fines be Advocat from the Inferiour Judge Competent, nor any Siſt of Proceſs given, nor ſhal any Decreet therefore be Suſpended, but upon Diſcharge or Conſignation allanerly. And it is further hereby *Statute*, That it ſhal not be leiſom to any Perſon, to make or ſew any ſort of dead Linen, contrair to the foreſaid *Act*, and this preſent Addition, under the pain of Fourty Merks *toties quoties*, for the uſe of the Poor, as ſaid is.

XXXVI.

XXXVI.

ACT Anent the Skinners.

July 17. 1695.

OUR SOVERAIGN LORD the KINGS MAJESTY, with Advice and Consent of the Estates of Parliament, in pursuance of the many Good *Acts* made for the setting up, and maintaining of Manufactories, and particularly, of the *Act* 1661, Intituled *Act for Erecting of Manufactories*; and for the greater Incouragement of the Skinners of this Kingdom, towards the Improvement of the Native Commodities of Wild-Skins and Lamb Skins, and the Art of that Craft, Do hereby Discharge all and every Person whatsomever, Native or Stranger, to Export out of this Kingdom any Wild-Skins, such as Wild-hyds, Dae and Rae, Roe and Roe-Buck, and Kid, with the Hair upon them, until they be made in Work, or dressed Leather, to the good of the Kingdom. As also, His Majesty, with Advice and Consent foresaid, Discharges all and every Person, Native or Stranger, to import any Forraign made Gloves, of whatsomever sort, Certifying such as shal do in the contrair, either by Export or Import, as said is, that they shal not only forefault the foresaids Goods, exported or imported, or the just value thereof, the one half to His Majesty, and the other half to the Informer, who shal prosecute the same before His Majesties Exchequer, but also be furder lyable to such Pecunial Fines, or other Punishments, as the Lords of His Majesties Exchequer shal think fit to inflict: Declaring that this *Act* shal commence and take effect after the first day of *August* next to come, and impowering the saids Skinners, and any Merchands, or any others concerned with concurse of a Magistrat, to search for, and make seizure of the foresaid Goods hereby prohibited to be exported or imported. For the more effectual Execution of the Premises, and for the better Improvement of the said Skins, Our Soveraign Lord, hereby Ratifies and Approves the *Act* made be the Convention of Burrows, anent the sufficiency of Skins, and Ordains the Magistrats of all Burghs to put the said *Act* to due execution in all Points. And Lastly, it is hereby Declared, that the foresaid Act of Parliament, for Erecting of Manufactories, and any allowance that may be therein given, for the Manufactoring of the saids Skins, shal be but prejudice to the Rights and Priviledges of the Craft and Incorporation of Skinners, in all, or any of the Burghs of this Kingdom.

XXXVII.

ACT Anent the Juſticiary of the Highlands.

July 17. 1695.

OUR SOVERAIGN LORD Conſidering, That there was an Act of Parliament, made in the year 1693, for the Juſticiary in the *Highlands*; Declaring, That His Majeſty, by vertue of His Prerogative Royal, might grant Commiſſions of Juſticiary for the ſaid Bounds, with all Power, neceſſary and uſual: Excepting thence, from the Bounds lying within the Heretable Right of Juſticiary General, pertaining to the Earl of *Argile*, or any other Perſon, providing nevertheleſs that the foreſaids Perſons, whoſe bounds were excepted, ſhould for the ſpace of two years, be obliged to grant Commiſſions to the ſame perſons, whom it ſhould pleaſe his Majeſty to Commiſſionat for their ſaids Bounds and Lands, which two years being now near expired, and it being neceſſary that the foreſaids Commiſſions, after their expiration ſhould be renewed: Therefore, His Majeſty, with Advice and Conſent foreſaid, Does hereby prorogate the foreſaid Proviſion, to the effect, and in the Terms aftermentioned, *viz.* That when the Commiſſions are granted by His Majeſty, for the neceſſary repreſſing of the Depredations and Robberies, ſo frequently committed in the *Highlands*, for the ſaids Bounds not above excepted, the foreſaids Perſons having Right to the ſaid Heretable Juſticiaries General, ſhal grant ample Commiſſions for their reſpective Bounds at the ſame time, and to the ſame Perſons (at leaſt to ſo many of them as are willing to act, by vertue of the ſaids Juſticiaries Commiſſions) to the effect the ſaids Commiſſioners, acting unanimouſly, within any part of the whole foreſaid Bounds, the ſaids Crimes may be the more effectually puniſhed and reſtrained, and that theſe Commiſſions may, and ſhal be granted, as ſaid is, for the ſpace of three years; which is to begin after the preſent Commiſſion granted by His Majeſty is expired: Which Commiſſions ſhal continue all Powers neceſſary and uſual in Commiſſions of Juſticiary, without prejudice always to the whole foreſaid Perſons, and Lords of Regality, and all others of their ſeveral reſpective Rights and Juriſdictions, and alſo reſerving the Right of Prevention, and the Right of Caſualities and Eſcheats, in manner provided in the ſaid Act.

XXXVIII.

ACT Concerning the Dividing of Commonties.

July 17. 1695.

OUR SOVERAIGN LORD, With *Advice* and Conſent of the ESTATES OF PARLIAMENT, for preventing the Diſcords that ariſe about Commonties, and for the more eaſie and expedit Deciding thereof, in time coming, *STATUTS* and *ORDAINS*, That all Commonties, Excepting the Commonties belonging to the KING and *Royal-Burrows*; that is, all that belongs to His MAJESTY in *Pro*perty, or *Royal-Burrows* in Burgage, may be divided at the Inſtance of any having Intereſt, by Summons raiſed againſt all Perſons concerned, before the Lords of Seſſion, who are hereby Impowered to diſcuſs the Relevancy, and to determine upon the Rights and Intereſts of all Parties concerned, and to value and divide the ſame, according to the value of the Rights and Intereſts of the ſeveral Parties concerned, and to grant Commiſſions to Sheriffs, Stewarts, Baillies of Regality and their Deputs, Juſtices of Peace, or others, for perambulating and taking all other neceſſary Probation, which Commiſſions ſhal be reported to the ſaids Lords, and the ſaid Proceſſes ultimatly Determined by them. And where Moſſes ſhal happen to be in the ſaid Commonties, with Power to the ſaid Lords, to divide the ſaid Moſſes, amongſt the ſeveral Parties having Intereſt therein, in manner foreſaid; or in caſe it be inſtructed to the ſaid Lords, that the ſaid Moſſes cannot be conveniently divided, His MAJESTY, with Conſent foreſaid, *Statuts and Declares*, that the ſaid Moſſes ſhal remain Common, with free Iſh and Entry thereto, whether divided or not, Declaring alſo, that the Intereſt of the Heretors, having Right in the ſaid Commonties, ſhal be eſtimat according to the Valuation of their reſpective Lands or Properties, and which Diviſions are appointed to be made, of that part of the Commonty that is next adjacent to each Heretors Property.

XXXIX.

ACT Diſcharging the Venting of Rum.

July 17. 1695.

OUR SOVERAIGN LORD Conſidering, that the Brandy commonly called Rum made of Moloſſus, does hinder the Conſumpt of ſtrong Waters made of Malt, which is the Native Product of this Kingdom: As alſo, that the ſaid Rum is rather a Drug than Liquor, and highly prejudicial to the Health of all who drink it. Therefore, His Majeſty with Advice and Conſent of the Eſtates of Parliament, Prohibits and Diſcharges the making of Rum, except allenarly for Export: Certifying the Contraveeners, that they ſhal loſe and amit their Priviledges granted to them as Manufactories, and be otherways puniſhed as the Lords of Privy Council think fit.

XL.

ACT Anent Letters Paſſing the Signet.

July 17. 1695.

OUR SOVERAIGN LORD with Advice and Conſent of the Eſtates of Parliament, for Reviving and Preſerving the good Order that ought to be kept in the Paſſing of Writs under the Signet, Statutes and Ordains, that all Writs Paſſing under the Signet, called the Signet of the Lords of Seſſion, be Subſcribed by a Writer as Clerk to the ſaid Signet: Excepting allanerly herefrom, Letters of Diligence in Proceſſes before the Seſſion, and Letters of Citation before the Parliament, which are to be Subſcribed by the Clerks of Seſſion, And His Majeſty with Advice foreſaid, Prohibits the Keeper of the ſaid Signet, to affix the ſame to any Letters not Subſcribed as above, any Cuſtom or Practice in the contrary notwithſtanding, and that as he will be anſwerable upon his Peril.

XLI.

ACT Anent Executry and Moveables.

July 17. 1695.

OUR SOVERAIGN LORD Considering, that the Law is Defective, as to the Affecting with Legal Diligence, the Moveable Estate which pertained to a Defunct, either for his own, or his neareſt of Kins Debt, in ſuch manner as a Defuncts heretage, may be affected by Charging to Enter Heir in the known manner: Doth therefore, with Advice and Conſent of the Eſtates of Parliament, Statute and Ordain, that in the caſe of a Moveable Eſtate left by a Defunct, and falling to his neareſt of Kin, who lyes out, and doth not confirm, the Creditors of the neareſt of Kin, may either require the Procurator-Fiſcal to Confirm and Aſſign to them, under the Peril and Pain of his being lyable for the Debt, if he refuſe; or they may obtain themſelves Decerned Executors Dative to the Defunct, as if they were Creditors to him: With this Proviſion always, that the Creditors of the Defunct, doing Diligence to affect the ſaid Moveable Eſtate within year and day of their Debitors Deceaſe, ſhall always be preferred to the Diligence of the ſaid neareſt of Kin. And it is further Declared, that in the caſe of any Depending Cauſe or Claim againſt a Defunct the time of his Deceaſe, it ſhall be Leiſum to the Purſuer of the ſaid Cauſe or Claim, to Charge the Defuncts neareſt of Kin to Confirm Executor to him within twenty days after the Charge given, which Charge ſo execute, ſhall be a Paſſive Title againſt the Perſon Charged, as if he were a Vitious Intromettor, unleſs he Renunce, and then the Charger may proceed to have his Debt conſtitute, and the *Hæreditas jacens* of Moveables Declared lyable by a Decreet *Cognitionis Cauſa*, upon the obtaining whereof, he may be Decerned Executor Dative to the Defunct, and ſo affect his Moveables in the common Form.

XLII.

ACT Allowing the Administrators of the Common Good of Burrows, to Adventure their Stocks, or any part thereof, in the Company of Forraign Trade.

July 17. 1695.

OUR SOVERAIGN LORD with Advice and Consent of the Estates of Parliament, for the Encouragement of the Undertakers for Forraign Trade, conform to an Act made in their Favours in this present Session of Parliament, Intituled, *Act for a Company Tradeing to* Affrica *and the* Indies, doeth hereby Statute and Declare, that it shall be Leisum to the Magistrats and others, the Administrators of the Common Good of Burghs; As also, to the Deacon, Masters, and other Administrators whatsoever of any Incorporation, or Body, or Company Incorporat, or Collegiat within this Kingdom, to Adventure and put in Money belonging to their respective Administrations, for a Share and Part to be Purchased to the saids Burghs and Incorporations in the said Company mentioned in the said Act, bearing the name of the Company of *Scotland* Tradeing to *Affrica* and the *Indies*, in the Manner and in the Terms provided within the said Act, and that their putting in the Money of the said Burghs, Incorporations, under their Care and Charge, and Adventuring the same in the said Company, shall be repute and held for a Deed of lawful Administration, and though the Succes and Event thereof, should happen not to be Prosperous, yet it shall never be construed to be a Deed of Lesion against the said Administrators, but their Acting in this Behalf, is hereby Declared to be Lawful and Warrantable, for the Security of the foresaid Persons in all Events.

XLIII.

ACT Anent the Poor.

July 17. 1695.

OUR SOVERAIGN LORD with Advice and Consent of the Estates of Parliament, doeth hereby Ratifie, Approve, and Revive all Acts of Parliament, and Acts and Proclamations of Council, for Maintaining of the Poor, and Repressing of Beggers, and Ordains them to be put to Vigorous Execution in all Points. And further, Impowers the Lords of His Majesties Privy Council, to take the most effectual Course to make the said Acts and Proclamations effectual, conform to the true Design thereof.

XLIV.

XLIV.

ACT Salvo Jure Cujuſlibet.

July 17. 1695.

OUR SOVERAIGN LORD Conſidering, That there are ſeveral Acts and others Paſt and Made in this Seſſion of Parliament, in favours of particular Perſons, without Calling or Hearing of ſuch as may be thereby Concerned and Prejudged: Therefore His Majeſty, with Advice and Conſent of the Eſtates of Parliament, *Statutes and Ordains*, That all ſuch particular Acts and others Paſt in manner foreſaid, ſhall not Prejudge any Third Party, of their Lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the ſaid particular Acts; And the *Lords of Seſſion*, and all other Judges within this Kingdom, ſhall be Obliged to Judge betwixt Parties, according to their ſeveral Rights ſtanding in their Perſons, before the Making of the ſaid Acts; all which are hereby Expounded and Declared to have been Made *Salvo Jure Cujuſlibet.*

XLV.

ACT Of Adjournment.

July 17. 1695.

THE KINGS MAJESTY Declares this Parliament currant, and Adjourns the ſame to the Seventh Day of *November*, next to come; Ordaining all Members of Parliament, Noblemen, Commiſſioners from Shires and Burghs, and all others having Intereſt, to Attend at *Edinburgh* that Day, at Ten a Clock; and that there be no new Elections in Shires or Burghs, except upon the Death of any of the preſent Commiſſioners.

Collected and Extracted from the Regiſters and Records of Parliament, *by*

TARBAT, *Cls. Regiſtri.*

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Ratification in favours of the Candlemakers of *Edinburgh*.
Ratification in favours of the Walkers and Litſters of *Dundee*.
Proteſtation the Town and Trades of *Dundee* againſt the ſame.
Ratification in favours of *Alexander Spittel* of *Leuchit*.
Ratification in favours of the Piriwig-makers of *Edinburgh*.
Ratification in favours of *James Lindſay* of *Dovehill*.
Ratification in favours of the Cowpers of *Glaſgow*.
Proteſtation the Town of *Glaſgow* againſt the ſame.
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Ratification in favours of *James Turner*.

FINIS.

These are Allowing the Two *Acts*, past in Parliament on the Twenty second Day of *July*, One thousand six hundred and ninety Years, in Favours of Sir *Patrick Home* of *Polwarth*, now Lord *Polwarth*, to be Printed.

TARBAT, Cls. Regiſtri.

ACT Reſcinding the Forefaulture of Sir Patrick Home *of* Polwarth.

Edinburgh, July 22. 1690.

OUR SOVERAIGN LORD and LADY the KING and QUEENS Majeſties, and the ESTATES of PARLIAMENT Conſidering, That the Meeting of the ESTATES of this Kingdom, In the Claim of Right, Dated the Eleventh of *April*, One thouſand ſix hundred eighty and nine years, Have declared, that the cauſing Purſue and Forefault Perſons upon weak or frivolous Pretences, or upon lame and defective Probation, is contrary to Law; And alſo, that all Forefaultures are to be conſidered, and the Parties læſed to be redreſſed: And having conſidered the Proceſs of Forefaulture led and deduced before the Three Eſtates of Parliament, upon the twenty ſecond of *May*; One thouſand ſix hundred eighty and five years, againſt Sir *Patrick Home* of *Polwarth* in abſence, with the Decreet and Doom of Forefaulture following thereupon, and that the Pretences inſiſted upon in the ſaid Proces of Forefaulture, againſt the ſaid Sir *Patrick Home*, *Viz.* His meeting with the deceaſt Mr. *Robert Martine*, and other Perſons at the Places therein Lybelled, and diſcourſing with them of the extream Hazard that threatned the Proteſtant Religion, the Laws and Liberties of this Kingdom; in caſe *James* then Duke of *York* would ſucceed to the Crown, and of the Ways and Methods then talked of in *England*, and ſuch as might be taken in *Scotland* for preventing the ſame, and for his excluſion from Succeſſion to the Crown; are weak and frivolous Pretences, to infer the Crime of Treaſon: As Likewiſe, that the Probation was lame & defective, ſeing it did conſiſt of the Depoſitions, and Teſti-

monies of Persons, who a little before hade been accused of the same pretended Crimes, and who, after submission made, and when their Lives and Fortunes were at the late Kings Mercy, had predetermined themselves by their Confessions and Depositions then emitted; For albeit they were secured, as to their Lives, when they deponed before the Parliament, yet they having emitted their Declarations, when they were under the fear and apprehension of being Forefaulted themselves, and when they renewed their Confessions before the Parliament, they could make no alteration, unless they had declared themselves to be perjured, they having only adhered to the very same Testimonies formerly emitted by them; except the Earl of *Tarras*, who depons of new, and not upon his Declaration formerly emitted, but proves nothing against the said Sir *Patrick Home*. And also considering, that there is nothing proven by the Witnesses, *in habil*, as they were against the said Sir *Patrick*, of his being upon, or privy to any Design or Contrivance against the Person and Life of King *Charles* the Second, and that the Testimonies do not concur and agree in any particular Fact, which by the Common Law or Custom could infer the Crime of Treason against the said Sir *Patrick*, And likeways having considered the Act of Adjournal of the Justice Court, of the date the day of One thousand six hundred eighty years, upon which the said Sir *Patrick Home* was denounced Fugitive, for not compearance; and that there was no relaxation raised, until a few Days before the dyet of Compearance in Parliament, though neither he had the offer of an Indemnity, nor was for the time in open Rebellion, so that he had not *tutus accessus*, and that the saids pretended Crimes, lybelled in the said Act of Adjournal, are the same contained in the foresaid Sentence of Forefaulture before the Parliament. Therefore, Their Majesties, with Advice and Consent of the Estates of Parliament, Do hereby, by way of Justice, Rescind, Retreit, Cass, and Annull, the foresaid Decreet, and Sentence of Forefaulture, pronounced against the said Sir *Patrick Home*, and all Gifts of Forefaulture, if any be granted, by the late King *James*, of the said Sir *Patrick* his Estate, or any part thereof, to any Person or Persons whatsomever: And the foresaid Act of Adjournal, with all that has followed, or may follow thereupon: And declares the said Decreet and Sentence of Forefaulture, and Act of Adjournal to have been from the beginning, to be now, and in all time coming void, null, and of no avail, force, strength nor effect: and restores the said Sir *Patrick Home*, his Children and Posterity against the same, *in integrum*; and Rehabilitating them to their Blood-right, and Benefit of Succession, Name and Fame, sick-like, and as freely in all respects, as if the said Decreet and Doom of Forfaulture had never been given, nor pronounced. Rescinding hereby the Act of Annexation of the said Sir *Patrick*, his Estate to the Crown; and dissolving the same therefrae. As also, Their Majesties, with Consent foresaid, Decerns and Ordains, all the Intrometters with the Lands, Rents, Goods and Gear, or other Estate, moveable or immoveable, pertaining and belonging to the said Sir *Patrick Home*, to be lyable for, and refound the samine to him, his Heirs, Executors or Assigneys, and that Letters may be direct,

direct for that effect in Form as effeirs? And their Majesties, and Estates of Parliament, *Statute and Ordain*, that this present Act shal have full force, strength, and effect of a publick Law, in favours of the said Sir *Patrick Home*, and others aforesaid. And it is hereby Declared, That this present Act is, and shal be understood to be excepted from the Act *Salvo Jure* to be past in this present Parliament.

ACT Dissolving Sir Patrick Home *of* Polwarth *his Estate from the Crown.*

July 22. 1690.

FOrasmuch as, by an Act and Sentence of this present Parliament, the Doom and Sentence of Forefaulture, pronounced *in anno* One thousand six hundred eighty and five, against Sir *Patrick Home* of *Polwarth*, is *ex Justitia*, Reduced and Rescinded: and that by an Act of the Sixteenth of *June*, One thousand six hundred eighty and five, the Estate and Lands belonging to the said Sir *Patrick Home* were formerly annexed to the Crown; Which Act of annexation is now also by the said Act Reductive in his Favours, Rescinded, and declared void: Therefore, and for the said Sir *Patrick* his more full and effectual Restitution, and without any derogation to the said Act Reductive, in his Favours, but accumulating Rights to Rights, Our Soveraign Lord and Lady, the King and Queens Majesties, with Advice and Consent of the Estates of Parliament, have dissolved, and hereby dissolves from the Crown and Patrimony thereof, the Lands and Barrony of *Polwarth*, the Lands and Barrony of *Grein-Law* and *Reid-Path*, with the Right of Patronages, and whole Pertinents thereof; And Lands of

with all other Lands, Rights and Estate, pertaining to the said Sir *Patrick Home*, and that in Favours of the said Sir *Patrick* himself, that he may bruick and enjoy the same as if he himself had never been forefaulted, or as if the saids Lands and Estate had never been annexed. Declaring that this present Act shal have the strength and effect of a General Law and Act of Parliament; and shal be als Valid and Effectual to the said Sir *Patrick*, his Heirs and Successors, for their Security of the whole Premisses, as any other Act of Dissolution made and enacted at any time bygone, in Favours of whatsomever Person: and conform to all the Conditions required by Law, in Acts of that Nature. And farder, that this present Act of Dissolution, is, and shal be understood to be excepted from the Act *Salvo Jure*, to be past in this present Parliament.

Extracted furth of the Records of Parliament, by George *Viscount of* Tarbat, *Lord* M^c^Leod, *and* Castlehaven, *&c. Clerk to the Parliament, and to his Majesties Councils, Registers and Rolls.*

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